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BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, January 6, 2009 2:00 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

DEC 31 2008

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ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors McGoldrick, Elsbernd, Mirkarimi

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar

City Operations and Neighborhood Services Committee

Supervisors Chu, McGoldrick, Elsbernd

Government Audit and Oversight Committee

Supervisors Peskin, Campos, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Peskin

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty

Meeting Days

Wednesday

1:00 PM

1st and 3rd Thursday

3:30 PM

1st and 3rd Thursday

1:00 PM

1st and 3rd Monday

10:00 AM

Monday

1:00 PM

2nd and 4th Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices; (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings. For information, call (415) 554-5184.

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AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

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The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

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There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the November 25, 2008 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 16

Recommendations of the Budget and Finance Committee

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi

1. 081522 [Appropriating \$136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009]
Mayor
Ordinance appropriating \$136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.
(Fiscal Impact.)

12/16/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. **081523** **[General Obligation Bond Short-Term Indebtedness]**
Mayor
Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.
(Fiscal Impact.)

12/16/2008, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
3. **081507** **[Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009 \$1,024,467.00]**
Supervisor Elsbernd
Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of \$1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

12/16/2008, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, McGoldrick, Elsbernd

4. **081124** **[Prohibiting advertisements for alcoholic beverages on City property]**
Supervisors Mirkarimi, McGoldrick
Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

12/16/2008, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
5. **081508** **[Funds to support public health emergency preparedness - \$460,396]**
Supervisor Maxwell
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$460,396 from the California Department of Public Health (CDPH) Emergency Preparedness Office, to fund the Hospital Preparedness Program; for the period of August 9, 2008 through August 8, 2009.

Question: Shall this Resolution be ADOPTED?
6. **081559** **[Accept-Expend Federal grant funds - Department of Public Works - \$1,475,675]**
Supervisor Elsbernd
Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of \$1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

Question: Shall this Resolution be ADOPTED?

7. 081506 [State grants to fund agricultural projects - \$17,672.98]
Supervisor Duffy
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend three grants with a total amount of \$17,672.98, from the California Department of Food and Agriculture (CDFA); with retroactive approval to accept and expend two of these grants (Agreements #08-0507 and #08-0415) totaling \$914.98, for the period of July 1, 2008 through June 30, 2009, and approval to accept and expend a third grant (Agreement #08-0345) in the amount of \$16,758.00 for the period of January 1, 2009 through December 31, 2009.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Campos, Maxwell

8. 081452 ["Know your rights" brochure for towing]
Supervisor Peskin
Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

12/16/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 081514 [Appropriating \$45,000,000 of Certificates of Participation Revenue for the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009]
Supervisor Peskin
Ordinance appropriating \$45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.
(Fiscal Impact.)

12/16/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 081510 [Accept and Expend Grant - Juvenile Accountability Block Grant - \$200,000]
Supervisor Maxwell
Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of \$200,000 from the State Corrections Standards Authority for the purpose of strengthening existing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Sandoval, Peskin

11. **080872** **[Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]**
 Supervisor Alioto-Pier
 Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

12/16/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Maxwell, Peskin

12. **081372** **[Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]**
 Supervisor Daly
 Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance.
 (Public Works Department)

12/16/2008, PASSED ON FIRST READING. Supervisor Daly requested to be added as sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

13. **081564** **[Administrative Code - Amendment to Large Tourist Hotel Conversion Ordinance]**
 Supervisor Peskin
 Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotel Rooms, and making required findings.

12/16/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present Supervisors Daly, Duffy

14. 081477 [Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - \$67,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for \$67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al.
(City Attorney)

12/16/2008, PASSED, ON FIRST READING

Question: Shall this Ordinance be FINALLY PASSED?

15. 081478 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - \$500,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.
(City Attorney)

12/16/2008, PASSED, ON FIRST READING

Question: Shall this Ordinance be FINALLY PASSED?

16. 081479 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - \$45,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.
(City Attorney)

12/16/2008, PASSED, ON FIRST READING

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Consideration of Mayor's Veto

Consideration to override veto pursuant to Charter Section 2.106 of Ordinance amending Planning Code by amending Section 317 to require Conditional Use authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

17. 081088 [Requirement of Conditional Use Authorization for any permit application to remove dwelling units]

Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008.

Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

12/9/2008, PASSED ON FIRST READING.

12/16/2008, FINALLY PASSED.

Action: _____

From the Clerk

18. 081496 [Adopting findings related to disapproving the categorical exemption issued for the 2626 Filbert Street project]

Motion adopting findings related to disapproving the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act.

12/17/2008, REFERRED to Board of Supervisors.

Question: Shall this Motion be APPROVED?

19. 081467 [Adopting findings related to disapproving the categorical exemption issued for the 2655 Scott Street project]
Motion adopting findings related to disapproving the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act.

12/17/2008, REFERRED to Board of Supervisors.

Question: Shall this Motion be APPROVED?

From the Board

20. 081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]
Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
(Planning Department)

12/9/2008, PASSED ON FIRST READING.

12/16/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

12/16/2008, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Budget and Finance Committee

Present: Supervisors McGoldrick, Elsbernd, Mirkarimi

21. 081440 [De-Appropriating \$998,145 of General Fund and \$761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]
Supervisors Daly, McGoldrick, Peskin
Ordinance de-appropriating \$998,145 of General Fund in the Mayor's Office of Community Justice and \$761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.
(Fiscal Impact.)
(Supervisor Elsbernd dissented in committee.)

12/9/2008, CONTINUED ON FIRST READING. Supervisor Sandoval was previously excused from voting on this matter.

Continued to December 16, 2008.

12/16/2008, PASSED ON FIRST READING. Supervisor Sandoval was previously excused from voting on this matter.

Supervisor Peskin requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Maxwell, Campos

22. 081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]
Supervisor Peskin
Ordinance amending Sections 1106, 1108, 1108.4, 1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

12/16/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

23. 081451 [Property Tax Refund Claim Processing]
Supervisor Peskin
Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

12/16/2008, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present. Supervisors Maxwell, Sandoval, Peskin

24. 081125 [Promoting and Sustaining Music and Culture in San Francisco]

Supervisors Mirkarimi, Maxwell

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

12/16/2008, PASSED ON FIRST READING AS DIVIDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Elsbernd, Mirkarimi

25. 081442 [Appropriating \$500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009]
Supervisor Elsbernd
Ordinance appropriating \$500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. 081388 [Emergency contract to replace the stator core in Kirkwood Powerhouse generator number 1, designated "KPH1" - Not to Exceed \$1,327,531]
Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the stator core in the Kirkwood Powerhouse generator number 1, designated "KPH1."
(Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

27. 081454 [Approving Central Subway Partnership Contract - Not to Exceed \$147,375,171]
Resolution approving Municipal Transportation Agency Contract No. CS-149, Program Management and Construction Management Services for the Central Subway Project with Central Subway Partnership, A Joint Venture of AECOM USA, Inc. and EPC Consultants in an amount not to exceed \$147,375,171 for a term not to exceed five years with an option to extend the term an additional five years.
(Municipal Transportation Agency)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

28. 081485 [WSIP Agreement No. CS-765, Parsons Water and Infrastructure]
Resolution approving Amendment No. 2 to Agreement No. CS-765, San Francisco Water System Improvement Program – Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure.
(Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, McGoldrick, Elsbernd

29. 081357 [Liquor license transfer - 2200 Mission Street]
Resolution determining that the transfer of a Type 21 off-sale general license from 2767 Lombard Street to 2200 Mission Street (District 9), to Howard Ngo for Duc Loi Supermarket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

30. 081378 [Liquor license transfer - 201 Harrison Street, Suite C]
Resolution determining that the transfer of a Type 21 off-sale general license from 433 Precita Avenue to 201 Harrison Street, Suite C (District 6), to Najwa Osama Habash and Osama Khalil Habash for Main Market Liquor & Deli, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

31. 081455 [Liquor license transfer - 2200 Jerrold Avenue]
Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 236 8th Street to 2200 Jerrold Avenue (District 10), to Nelly Ghassan for The Gifted Basket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

From the City Operations and Neighborhood Services Committee Without Recommendation

Present: Supervisors Chu, McGoldrick, Elsbernd

32. 081358 [Liquor license transfer, 115 Mason Street]
Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 232 O'Farrell Street to 115 Mason Street (District 6), to John D. Smith for Union Square Sports Bar Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Peskin

33. 070546 [Zoning Map Amendment - Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9]

Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

34. 080126 [Planning Code-Amending Article 11 Designation of 545-547 Mission Street]

Supervisors Peskin, Maxwell

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

35. 081275 [Summary Vacation of Stevenson Street east of 10th Street]

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.**APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

36. 081420 [Public Hearing - Conditional Use Appeal for 299 Valencia Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

12/9/2008, CONTINUED. The President inquired as to whether any member of the public wished to address the Board.
Continued January 6, 2009.

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

37. 081421 [Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]
Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1.
(Clerk of the Board)

12/9/2008, CONTINUED. Continued to January 6, 2009
Question: Shall this Motion be APPROVED?
38. 081422 [Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]
Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street.
(Clerk of the Board)

12/9/2008, CONTINUED. Continued to January 6, 2009
Question: Shall this Motion be APPROVED?
39. 081423 [Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting.
(Clerk of the Board)

12/9/2008, CONTINUED. Continued to January 6, 2009
Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Rules Committee at a Special Meeting on Tuesday, December 30, 2008 at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, January 6, 2009.

40. 081505 [Continuation of existing taxi fares and gate fee cap]
Supervisors Daly, Peskin
Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

Question: Shall this Ordinance be PASSED ON FIRST READING?

(Only one of the following two motions should be approved.)

41. 081541 [Appointment, Historical Preservation Commission - Karl Hasz]
Motion approving the Mayor's nomination for appointment of Karl Hasz to the Historical Preservation Commission, Seat No. 6, for a two-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081542. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

42. 081542 [Appointment, Historical Preservation Commission - Karl Hasz]
Motion rejecting the Mayor's nomination for appointment of Karl Hasz to the Historical Preservation Commission, Seat No. 6, for a two-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081541. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

43. 081609 [Appointment, Historical Preservation Commission - Alan Martinez]
Motion approving the Mayor's nomination for appointment of Alan Martinez to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081610. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

44. 081610 [Appointment, Historical Preservation Commission - Alan Martinez]
Motion rejecting the Mayor's nomination for appointment of Alan Martinez to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081609. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

45. 081615 [Appointment, Small Business Commission - Kathleen Dooley]
Motion appointing Kathleen Dooley, term ending January 6, 2010, to the Small Business Commission. Vacant seat, succeeding David Chiu, seat 2, resigned, must be appointed by the Board of Supervisors and be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2010.

Question: Shall this Motion be APPROVED?

46. 081616 [Appointment, Small Business Commission - Nicholas Goldman]
Motion appointing Nicholas Goldman, term ending January 6, 2010, to the Small Business Commission. Vacant seat, succeeding David Chiu, seat 2, resigned, must be appointed by the Board of Supervisors and be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2010.

Question: Shall this Motion be APPROVED?

The following items will be considered by the Rules Committee at a Special Meeting on Tuesday, January 6, 2009 at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, January 6, 2009.

(Only one of the following two motions should be approved.)

47. 081543 [Appointment, Historical Preservation Commission - Sue Lee]
Motion approving the Mayor's nomination for appointment of Sue Lee to the Historical Preservation Commission, Seat No. 4, for a two-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081544. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

48. 081544 [Appointment, Historical Preservation Commission - Sue Lee]
Motion rejecting the Mayor's nomination for appointment of Sue Lee to the Historical Preservation Commission, Seat No. 4, for a two-year term ending date to be determined.
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081543. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

49. 081611 [Appointment, Historical Preservation Commission - Tammy Chan]
Motion approving the Mayor's nomination for appointment of Tammy Chan to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081612. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

50. 081612 [Appointment, Historical Preservation Commission - Tammy Chan]
Motion rejecting the Mayor's nomination for appointment of Tammy Chan to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081611. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

51. 081545 [Appointment, Historical Preservation Commission - Jonathan Pearlman]
Motion approving the Mayor's nomination for appointment of Jonathan Pearlman to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081546. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

52. 081546 [Appointment, Historical Preservation Commission - Jonathan Pearlman]
Motion rejecting the Mayor's nomination for appointment of Jonathan Pearlman to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081545. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

53. 081549 [Appointment, Historical Preservation Commission - Charles Chase]
Motion approving the Mayor's nomination for appointment of Charles Chase to the Historical Preservation Commission, Seat No. 3, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081550. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

54. 081550 [Appointment, Historical Preservation Commission - Charles Chase]
Motion rejecting the Mayor's nomination for appointment of Charles Chase to the Historical Preservation Commission, Seat No. 3, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081549. Transmittal date – December 4, 2008.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

55. 090001 [Appointment, Historical Preservation Commission - Courtney Damkroger]
Motion approving the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090004. Transmittal date – December 24, 2008.)

Question: Shall this Motion be APPROVED?

56. 090004 [Appointment, Historical Preservation Commission - Courtney Damkroger]
Motion rejecting the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090001. Transmittal date – December 24, 2008.)

Question: Shall this Motion be APPROVED?

57. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

58. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 59 through 66

59. 081606 [Accept-Expend Federal Grant for Oil Spill Response Planning - \$30,965]
Supervisor Chu
Resolution authorizing the Department of Emergency Management (DEM) to accept and expend retroactively a grant in the amount of \$30,965 from the California Department of Fish and Game for oil spill response planning, for the period July 1, 2008 through June 30, 2009.
- 12/16/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
60. 081607 [Accept and Expend State Grant - Port of San Francisco - \$15,000]
Supervisor Maxwell
Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$15,000 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund for removal and demolition of abandoned recreational watercraft on the Port's waterfront.
- 12/16/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
61. 081580 [Commending San Francisco State University President Robert A. Corrigan]
Supervisor Peskin
Resolution commending Robert A. Corrigan for twenty years of remarkable service as President of San Francisco State University.
- 12/19/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
62. 081582 [Adopting findings related to San Francisco Public Utilities Commission Water Treatment Facility and Water Quality Improvements projects in San Joaquin County]
Supervisor Elsbernd
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program and a statement of overriding considerations related to the funding of the San Joaquin Regional Water Quality Improvement Project at two sites in San Joaquin County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.
- 12/24/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
63. 081613 [City actions on expiration of Western Addition A-2 Redevelopment Plan]
Supervisor Mirkarimi
Resolution urging various City actions upon the expiration of the Western Addition A-2 Redevelopment Plan to insure a smooth transition from the Redevelopment Agency to the City's jurisdiction.
- 12/16/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

64. 081608 [Appointment to San Francisco Local Agency Formation Commission - Supervisor David Campos]
Supervisor Mirkarimi
Motion appointing Supervisor Campos for the unexpired portion of a four-year term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

12/16/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Motion be APPROVED?
65. 081539 [Final Map - 1536 Pacific Avenue]
Motion approving Final Map 4748, a 6 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1536 Pacific Avenue being a subdivision of Lot 006 in Assessors Block No. 0573 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 177,972; District 3.)

12/16/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
66. 081579 [Final Map - 77 Van Ness Avenue]
Motion approving Final Map 4182, a subdivision of 4 Airspace Parcels, Parcel "A" being a one lot subdivision for residential condominium purposes (50 units), Parcel "B" being a common area airspace parcel, Parcel "C" being a one lot subdivision for commercial condominium purposes (14 units), and Parcel "D" being a one lot subdivision for parking condominium purposes (58 parking spaces) Project, located at 77 Van Ness Avenue being a subdivision of Lot 022 in Assessors Block No. 0834 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 177,969; District 6.)

12/16/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference
Agenda: _____

67. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from December 9, 2008 to December 29, 2008, for reference by President to appropriate committee on January 6, 2009.

081618 [Settlement Of Lawsuit - Xiaomei Ma v. CCSF - \$115,000]

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

12/29/2008, RECEIVED AND ASSIGNED to Rules Committee.

081620 [Zoning - Ordinance relating to the repair of inadvertent errors and omissions discovered in 2008]

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Section 504 and 503 of the Housing code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Charts B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

12/19/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from December 9, 2008 to December 29, 2008, for reference by President to appropriate committee on January 6, 2009.

081581 [Approval of Port Lease to Pilara Family Foundation Lease No. L14144 at Pier 24 Annex]

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

12/17/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081586 [Adopting Findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements Project]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

(Public Utilities Commission)

12/24/2008, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081587 [Adopting Findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing - Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

(Public Utilities Commission)

12/24/2008, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081617 [Adopting Findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

(Public Utilities Commission)

12/24/2008, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081619 [Airport Lease and Operating Agreement]

Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement
No. 01-0343.

(Airport Commission)

12/24/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090002 [Petitions and Communications, Part 1]

Petitions and Communications received from December 9, 2008 through December 29, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 6, 2009.

From James Chaffee, regarding contributions made by the organization "Friends of the S.F. Public Library" from 2001 through 2008. (1)

From Human Services Agency, submitting year-end report from the Department of Aging and Adult Services. Copy: Each Supervisor (2)

From concerned citizens, submitting opposition to proposal that cuts the funding for the arts by 50%. Approximately 12 letters (3)

From MJM Management Group for the Union Square Business Improvement Division, urging the Board not to reduce the funding for the Mayor's Office of Economic Development's budget by \$500,000. Copy: Each Supervisor (4)

From the Bohemian Club, submitting request to be excluded from the assessment of the Tourism Improvement District. File 081517, Copy: Each Supervisor (5)

From Office of the Mayor, withdrawing Susan Sun's nomination to the Historic Preservation Commission. File 081554, Rules Clerk (6)

From Office of the Mayor, withdrawing Allison Williams nomination to the Historic Preservation Commission. File 081548, Rules Committee (7)

From Patrick Monette-Shaw, submitting ideas on how to fully fund the Laguna Honda Hospital's Adult Day Health Care program. (8)

From concerned citizens, urging the City and County of San Francisco to restore Sharp Park Golf Course. Approximately 20 letters (9)

From Dee Modglin, submitting opposition to proposed legislation regarding the "Below Market Rate Condominium Conversion Program" that is up for final passage on the December 16, 2008. File 080520, 081088, 2 letters, Copy: Each Supervisor (10)

From Pat Missud, regarding another car accident on Alemany Boulevard and San Juan Avenue. (11)

From concerned citizens, regarding request for all email sent to Supervisor Ammiano's City Hall Office in the last several months. 3 letters (12)

From Office of the City Attorney, submitting notice that the appeal filed regarding concerns of the Eastern Neighborhoods Rezoning and Area Plans Project was not filed in a timely manner. File 081538 (13)

From Brad Paul, submitting support to fully fund the Mayor's Office of Economic Development and Workforce Development Program. Copy: Government Audit and Oversight Committee (14)

From Clerk of the Board, submitting names of the City departments and agencies that have submitted their conflict of interest code notice: SF Local Agency Formation Commission, Department of Aging and Adult Services, Workforce Investment-San Francisco, Department of Human Resources, SF Community Health Authority, SF Parking Authority Commission, SF Housing Authority, CCSF Finance Corporation. (15)

From State Department of Transportation, submitting a copy of their new awareness video titled

California's General Aviation Airports: Links to Vitality. Copy: Lafco, Supervisors Peskin, Maxwell, Sandoval (16)

From Airport Commission, submitting a compliance audit of British Airways. (17)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Transtech of SC, LP. (18)

From Office of City Administrator, submitting request for continued funding of the Emergency Management Coordinator position. Copy: Government Audit and Oversight Committee Clerk (19)

From Fire Department, submitting request for waiver of Administrative Code Chapter 12B for testing at the Cow Palace in March 2009 for the administration of the H-2 Firefighter written examination. (20)

From Office of the Controller, submitting the final report of the SF Police Department Organizational Assessment conducted by the Police Executive Research Forum (PERF). File 081558, Copy: Each Supervisor (21)

From Capital Planning Committee, submitting recommendations on the General Hospital Rebuild General Obligation Bonds, General Hospital Emergency Generator Replacement and the Moscone Center Improvement Project. Copy: Each Supervisor, Budget & Finance Committee Clerk (22)

From Mayor's Office of Housing, submitting an additional emergency work notification letter of added work that must be completed at the Midtown Park Apartments. (23)

From Supervisor Peskin, submitting appointment of Supervisor David Campos to serve as Vice Chair of the Government Audit and Oversight Committee to fill the seat vacated by Supervisor Ammiano. Copy: Rules Committee (24)

From Clerk of the Board, submitting notice that the following individual has submitted a Form 700 Statement of Economic Interests: Supervisor David Campos. (25)

From Assessor-Recorder, submitting support for proposed ordinance to expand San Francisco's Clean Technology Payroll Tax Exclusion. File 081449, Copy: Each Supervisor (26)

From Office of the Mayor, submitting appointment of Tammy Chan as member of the Historical Preservation Commission to fill seat 7, term to expire four years after the Board approves this nomination. Copy: Rules Committee (27)

From Office of the Mayor, submitting appointment of Alan Martinez as member of the Historical Preservation Commission to fill seat 1, term to expire four years after the Board approves this nomination. Copy: Rules Committee (28)

From Kimo Crossman, requesting the unlitigated IRS matter for closed session that was continued from the December 4, 2008 Rules Committee. Copy: Supervisor Daly (29)

From Municipal Transportation Agency, responding to inquiry requesting the feasibility of establishing various stop signs within the Sunset District. (Reference No. 20081118-001) Copy: Supervisor Chu (30)

From Saveri & Saveri, Inc., submitting opposition to granting an exemption from environmental review of proposed project at 2655 Scott Street. File 081432, Copy: Each Supervisor (31)

From Rev. Vernon Link, submitting support for a new mall that includes a Safeway on Market Street between 5th and 6th Streets. Copy: Each Supervisor (32)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081028-002) (33)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081021-008) (34)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081028-006) (35)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081104-004) (36)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081104-005) (37)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081209-004) (38)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081209-005) (39)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081209-003) (40)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081216-004) (41)

From Sunset Parkside Education and Action Committee, submitting amendments to the creation and funding of a Tourism Improvement District. File 081517 (42)

From B & Z Gabriel, submitting petition opposing the size and magnitude of the proposed building at 2800 Sloat Boulevard. (43)

From concerned citizens, submitting opposition to proposed sidewalk encroachment for 1335 Stanyan Street. File 081463, 8 letters (44)

From Claire Barnum, submitting support for continued funding of Neighborhood Emergency Response Training (N.E.R.T.). (45)

From Teresa Welborn, submitting opposition to five of the six members recommended by the Rules Committee for the Market-Octavia Citizens Advisory Committee. Copy: Rules Clerk (46)

From Richard McRee, requesting correction of numerous misspellings in past official minutes. (47)

From Francisco Da Costa, submitting support to keep the leadership in the Department of Children, Youth and Their Families intact. (48)

From MK Hickox, regarding the lack of parking on Jackson Street between Franklin and Gough. (49)

From Kimo Crossman, regarding cost breakdown to post recordings of the Sunshine Ordinance Task Force meetings in City Hall. 2 letters (50)

From Christian Holmer, regarding request for all email sent to Supervisor Peskin's City Hall Office in the last several months. (51)

From Christian Holmer, regarding request for all email sent to Supervisor McGoldrick's City Hall Office in the last several months. (52)

From Christian Holmer, regarding public records request for all department heads and the mayor's calendar for the period of 12/13/08 – 12/19/08. (53)

From Secretary of State, submitting notice that amendments to the Charter of the City and County of San Francisco, ratified by the voters at the election on November 4, 2008, were filed on December 15, 2008 and assigned Charter Chapter Number 14 for publication in the Statutes of 2008. Copy: Clerk of the Board (54)

From Office of the Mayor, submitting letter vetoing File 081088, which would require Conditional Use authorization for any elimination of dwelling units through mergers, conversions or demolition of existing dwelling units. Copy: Each Supervisor, Clerk of the Board (55)

From Richard McRee, submitting communication entitled "Your failure as President to uphold and defend Constitutional Rights" dated December 15, 2008. (56)

From Office of the Mayor, submitting notice that he will be out of the State of California from 9:00 a.m., December 27, 2008 until 9:00 p.m., January 4, 2009, Supervisor Dufty and Supervisor Elsbernd are designated as Acting Mayors. Copy: Each Supervisor, Clerk of the Board (57)

From Office of the City Attorney, submitting his commitment to furthering the City's interest in closing the Potrero Power Plant at the earliest possible date. File 081191 (58)

From Roberto Hernandez, submitting his resignation from his seat on P.R.O.S.A.C. as one of two District 9 representatives. Copy: Rules Clerk (59)

From concerned citizens, commenting on the Below Market Rate Condominium Conversion Program. File 080520, 3 letters (60)

From State Senate Rules Committee, submitting the reappointment of Pamela Giacomini to the State Board of Forestry and Fire Protection. Copy: Each Supervisor, Clerk of the Board (61)

From concerned citizens, submitting petition in-support of appeal of the conditional use permit for parking at 299 Valencia. File 081420 (62)

090003 [Petitions and Communications, Part 2]

Petitions and Communications received from December 9, 2008 through December 29, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 6, 2009.

From Richard Skaff, urging removal of the SF Department of Building Inspection policy titled "Dimensional Tolerances for New and Existing Construction". (63)

From Jim Meko, thanking Supervisor Duffy for introducing the Youth and Family Zone legislation, which asked that the Board amend the boundaries of the Youth and Family Zone to confine it to the Eastern Neighborhoods and allow the Western SoMa process a chance to complete its work. (64)

From Office of the Controller, submitting report from the Office of Economic Analysis regarding resolution to establish the "Tourism Improvement District" in San Francisco. File 081517 (65)

From Communities in Harmony Advocating for Learning and Kids, submitting newsletter concerning funding for the youth ideas program. (66)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081021-001) (67)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081209-001) (68)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081209-003) (69)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081216-001) (70)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081209-02) (71)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20081216-003) (72)

From Law Offices of Stephen Williams, requesting the appeal of proposed project at 1864-1868 Green Street is withdrawn. File 081486, Copy: Each Supervisor, Clerk (73)

From Francisco Da Costa, regarding the \$1.9 billion to revamp the Hetch Hetchy Water System. (74)

From concerned citizens, submitting opposition to various budget cuts in city funded programs. 13 letters (75)

From Francisco Da Costa, regarding the agreement between the Lennar Corporation and the City and County of San Francisco. 2 letters (76)

From concerned citizens, urging a no vote on any combustion turbine peaker projects, and call for a 2009 Energy Action Plan to close the existing Mirant power plant by 2010. 3 letters (77)

From Joan Wood, commenting on the North Beach Community Court. (78)

From Romano Gatto, regarding the December 8, 2008 NAACP & Team Gatto Boxing club press conference. (79)

From Pam & Terry Elliott, submitting opposition to the proposed project at 2655 Scott Street. File

081432, Copy: Supervisors Peskin, Maxwell, Campos (80)

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under the Treasurer's management. Copy: Each Supervisor, Clerk of the Board (81)

From Andrea O'Leary, urging all public parks and businesses to comply with the law by removing their garbage bins out of public sight. (82)

From Bill Sargeant, requesting something be done to suppress all the pilfering and rummaging through the blue recycling cans. (83)

From Monty Morris, regarding the dumping of phone books in front of apartment buildings. (84)

From State of California Fish and Game Commission, submitting notice of proposed changes in regulations. Copy: Each Supervisor (85)

From Timothy Harding, commenting that he will not visit San Francisco anymore due to its' status as a "Sanctuary City." (86)

From the Pugliese Family, thanking the Board for the tribute in memory of Susan Pugliese. (87)

From Mike McKinley, commenting on the disorganization on the opening day of the new Academy of Sciences. (88)

From Elise Pundt, commenting on the passage of Proposition 8. (89)

From SF Public Utilities Commission, submitting list and maps of all developed and underdeveloped land under the SF Public Utilities Commission's jurisdiction within the City and County of San Francisco. (Reference No. 20081125-001) (90)

From SF Public Utilities Commission, submitting request for release of reserved funds (\$136,622,239) for the Water System Improvement Program. (91)

From Tina Seastrom, regarding evaluating the purpose and practices at the San Francisco Zoo. (92)

From Ahimsa Sumchai, submitting correspondence regarding "demand for materials and communications: SOFT representative and BOS Peskin and Maxwell 10/9/07." (93)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO



**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Thursday, January 8, 2009 12:00 PM
Inaugural Meeting**

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CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Elsbernd, Mirkarimi

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Elsbernd

Government Audit and Oversight Committee

Supervisors Campos, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

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ROLL CALL

Call to order by Clerk of the Board Angela Calvillo.

PLEDGE OF ALLEGIANCE**COMMUNICATIONS**

(a) From Director of Elections, certifying the candidates for the office of Members of the Board of Supervisors who received a plurality of votes cast at the election held on November 4, 2008, who, therefore, have been declared elected to that office, namely:

*John Avalos
David Campos
David Chiu
Carmen Chu
Sean Elsbernd
Eric Mar
Ross Mirkarimi*

(b) From the Controller: Filing or renewing of official bonds for Members of the Board of

*Supervisors:
John Avalos
David Campos
David Chiu
Carmen Chu
Sean Elsbernd
Eric Mar
Ross Mirkarimi*

OATH OF OFFICE

Clerk of the Board introduces the Honorable James McBride, Presiding Judge, San Francisco Superior Court.

ELECTION OF THE PRESIDENT OF THE BOARD

(a) Nominations

(b) Public Comment

President designates Members of the Board to escort him/her to the rostrum.

REMARKS FROM MAYOR

President introduces the Honorable Mayor Gavin Newsom and affords opportunity for brief remarks.

REMARKS FROM BOARD MEMBERS

President introduces each Board member and affords an opportunity for brief remarks and for introduction of family members in attendance.

REMARKS BY THE PRESIDENT OF THE BOARD

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, January 13, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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Supervisors Chu, Elsbernd

Government Audit and Oversight Committee

Supervisors Campos, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Campos

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty

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ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 5

Recommendation of the Budget and Finance Committee

Present: Supervisors Elsbernd, Mirkarimi

1. 081442 [Appropriating \$500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009]
Supervisor Elsbernd
Ordinance appropriating \$500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.
(Fiscal Impact.)

1/6/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Peskin

2. 070546 [Zoning Map Amendment - Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9]

Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

1/6/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. 080126 [Planning Code-Amending Article 11 Designation of 545-547 Mission Street]

Supervisor Maxwell

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.
(Planning Department)

1/6/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 081275 [Summary Vacation of Stevenson Street east of 10th Street]

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.
(Real Estate Department)

1/6/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Daly, Duffy

5. 081505 [Continuation of existing taxi fares and gate fee cap]
 Supervisor Daly
 Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

1/6/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Consideration of Mayor's Veto

Consideration to override veto pursuant to Charter Section 2.106 of Ordinance amending Planning Code by amending Section 317 to require Conditional Use authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

6. 081088 **[Requirement of Conditional Use Authorization for any permit application to remove dwelling units]**

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008.

Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

12/9/2008, PASSED ON FIRST READING.

12/16/2008, FINALLY PASSED.

1/6/2009, CONTINUED ON OVERTURN OF VETO. Continued on Overturn of Veto to January 13, 2009.

Action: _____

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Maxwell, Campos

7. 081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]
- Ordinance amending Sections 1106, 1108, 1108.4, 1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

12/16/2008, PASSED ON FIRST READING.

1/6/2009, FINALLY PASSED.

1/6/2009, PREVIOUS VOTE RESCINDED.

1/6/2009, CONTINUED ON FINAL PASSAGE. Continued to January 13, 2009.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

- 1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
- 2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).*
- 3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.*
- 4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.*
- 5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.*

8. 081420 [Public Hearing - Conditional Use Appeal for 299 Valencia Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

12/9/2008, CONTINUED. The President inquired as to whether any member of the public wished to address the Board.
Continued January 6, 2009.

1/6/2009, CONTINUED. The president inquired as to whether any member of the public wished to address the Board.

Jason Henderson, appellant
Silvia Johnson

Continued to January 13, 2009.

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

9. 081421 [Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]
Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1.
(Clerk of the Board)

12/9/2008, CONTINUED. Continued to January 6, 2009
1/6/2009, CONTINUED. Continued to January 13, 2009.
Question: Shall this Motion be APPROVED?
10. 081422 [Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]
Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street.
(Clerk of the Board)

12/9/2008, CONTINUED. Continued to January 6, 2009
1/6/2009, CONTINUED. Continued to January 13, 2009.
Question: Shall this Motion be APPROVED?
11. 081423 [Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting.
(Clerk of the Board)

12/9/2008, CONTINUED. Continued to January 6, 2009
1/6/2009, CONTINUED. Continued to January 13, 2009.
Question: Shall this Motion be APPROVED?

12. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

13. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee.

Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 14 - 18

14. 090014 [Congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers]
Supervisor Duffy
Resolution congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers.

1/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
15. 090015 [Lee Mallory Day - January 10, 2009]
Resolution declaring January 10th, 2009, as Lee Mallory Day in San Francisco.

1/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
16. 090016 [Condemning recent acts of vandalism on Most Holy Redeemer Church]
Supervisor Duffy
Resolution condemning recent acts of vandalism on Most Holy Redeemer Church.

1/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

17. 090017 [Commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event]
Supervisor Duffy
Resolution commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event.

1/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Question: Shall this Resolution be ADOPTED?

18. 090018 [Urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package]
Supervisors Duffy, Chu, Alioto-Pier
Resolution urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package to continue San Francisco's utility undergrounding program.

1/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda

19. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from December 30, 2008 to January 5, 2009, for reference by President to appropriate committee on January 13, 2009.
None.

PROPOSED RESOLUTIONS

Proposed resolutions received from December 30, 2008 to January 5, 2009, for reference by President to appropriate committee on January 13, 2009.
None.

090038 [Petitions and Communications]

Petitions and Communications received from December 30, 2008 through January 5, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 13, 2009.

From concerned citizens, urging the City and County of San Francisco to restore Sharp Park Golf Course. 5 letters (1)

From Municipal Transportation Agency, submitting the 2009 Climate Action Plan Draft for Public Review. (2)

From Clerk of the Board, submitting notice that the following individuals has submitted a Form 700 Statement of Economic Interests: (3)
Gerardo Sandoval, Supervisor
John Avalos, Supervisor-Elect
Kevin Clark, Legislative Analyst

From Supervisor Peskin, submitting appointment of Supervisor David Campos to serve as Vice Chair of the Land Use and Economic Development Committee. (4)

From Ahimsa Sumchai, regarding the closure of Laguna Honda Hospital's Adult Day Health Care Program. 3 letters (5)

From Office of the Mayor, submitting appointment of Barbara Sklar as a member of the Commission on the Status of Women for term expiring on November 18, 2010. Copy: Rules Committee (6)

From Office of the Mayor, submitting appointment of Joy Boatwright as a member of the Civil Service Commission for term expiring on June 30, 2011. (7)

From Office of the Mayor, submitting letter withdrawing Sue Lee's name (pursuant to her request) as a nominee to the Historic Preservation Commission. Copy: Rules Committee (8)

From Office of the Mayor, submitting letter withdrawing Tammy Chan's name (pursuant to her request) as a nominee to the Historic Preservation Commission. Copy: Rules Committee (9)

From James Chaffee, submitting letter entitled "Grand Jury Report -- Accountability Denied" dated November 4, 2008. (10)

From Jason Mass, submitting opposition to the appointment of Jonathan Pearlman as member of the Historic Preservation Commission. (11)

From Jim Meko, regarding the draft Western SoMa Community Plan currently undergoing environmental review. (12)

From Clare Hyland, urging the Board of Supervisors to slow down and reconsider the Mayor's appointments to the Historic Preservation Commission and ask for a more appropriate and better-qualified slate of candidates. (13)

From Verna Shaheen, submitting support for the appointment of Charles Chase as member to the Historic Preservation Commission. (14)

From Paul Nisbett, commenting on the 6 Muni supervisors making almost \$200,000 a year (examiner 1/5/09). Copy: Muni (15)

From concerned citizens, regarding the Mayor's nominees to the SF Historic Preservation Commission. 2 letters (16)

From Professional & Technical Engineers, Local 21, submitting copy of letter sent to the Civil Service Commission concerning Personal Services Contracts. Copy: Each Supervisor (17)

From Linda Wheeler, commenting on the changing of "No Parking" signs back and forth. (18)

From Kimo Crossman, commenting on Mayor Newsom's YouTube speech. (19)

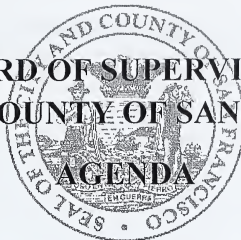
From Rita Lark, regarding the alleged problems at the Hamilton Family Shelter. Copy: Supervisor Daly (20)

From Dr. Patrick Gianetto, urging the Board to take a closer look at the management of the San Francisco Zoo. (21)

From Christian Holmer, regarding access to email from Supervisor Ammiano's City Hall Offices. (22)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO



Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, January 27, 2009 2:00 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JAN 23 2009

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufras, Fewer, Yee

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings. For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunión debe recibirse antes de mediodía de el viernes anterior a la reunión. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noviega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

6. 081430 [Appointments, Children's Collaborative Task Force - Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt]
Motion appointing Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt to the Children's Collaborative Task Force, residency requirement waived.
- Question: Shall this Motion be APPROVED?
7. 081481 [Appointments, Pedestrian Safety Advisory Committee - Richard Rothman]
Motion appointing Richard Rothman, term ending March 28, 2009, to the Pedestrian Safety Advisory Committee.
- Question: Shall this Motion be APPROVED?
8. 081482 [Appointments, Peak Oil Preparedness Task Force - Woody Hastings]
Motion appointing Woody Hastings, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.
- Question: Shall this Motion be APPROVED?
9. 081534 [Appointments, Bicycle Advisory Committee - Richard Tilles, Jared Washkowitz and Elbert Hill]
Motion appointing Richard Tilles, Jared Washkowitz and Elbert Hill, terms ending November 19, 2010, to the Bicycle Advisory Committee.
- Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Maxwell, Campos

10. 081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]
Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

12/16/2008, PASSED ON FIRST READING.

1/6/2009, FINALLY PASSED.

1/6/2009, PREVIOUS VOTE RESCINDED.

1/6/2009, CONTINUED ON FINAL PASSAGE. Continued to January 13, 2009.

1/13/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

1/13/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the December 9, 2008 and December 16, 2008 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition 1 in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, public comment for this item will take place during general public comment.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 9**Recommendations of the Rules Committee**

Present: Supervisors Daly, Duffy

1. 081395 [Settlement of Lawsuit - Denise Caicedo - \$47,500.00]
Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

2. 081618 [Settlement Of Lawsuit - Xiaomei Ma v. CCSF - \$115,000]
Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

3. 081363 [Settlement of Unlitigated Tax-Related Matter with Internal Revenue Service]
Resolution authorizing settlement of unlitigated tax-related matter with the Internal Revenue Service regarding potential tax liability.
(City Attorney)

Question: Shall this Resolution be ADOPTED?

4. 081390 [Appointments, Shelter Monitoring Committee - Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson]
Motion appointing Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson, terms ending November 23, 2010, to the Shelter Monitoring Committee.

Question: Shall this Motion be APPROVED?

5. 081403 [Appointments - Citizens General Obligation Bond Oversight Committee - Robert Muscat and Kristen Chu]
Resolution appointing Robert Muscat and Kristen Chu, terms ending November 21, 2010, to the Citizens General Obligation Bond Oversight Committee.

Question: Shall this Resolution be ADOPTED?

6. 081430 [Appointments, Children's Collaborative Task Force - Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt]
Motion appointing Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt to the Children's Collaborative Task Force, residency requirement waived.
- Question: Shall this Motion be APPROVED?
7. 081481 [Appointments, Pedestrian Safety Advisory Committee - Richard Rothman]
Motion appointing Richard Rothman, term ending March 28, 2009, to the Pedestrian Safety Advisory Committee.
- Question: Shall this Motion be APPROVED?
8. 081482 [Appointments, Peak Oil Preparedness Task Force - Woody Hastings]
Motion appointing Woody Hastings, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.
- Question: Shall this Motion be APPROVED?
9. 081534 [Appointments, Bicycle Advisory Committee - Richard Tilles, Jared Washkowitz and Elbert Hill]
Motion appointing Richard Tilles, Jared Washkowitz and Elbert Hill, terms ending November 19, 2010, to the Bicycle Advisory Committee.
- Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Peskin, Maxwell, Campos

10. 081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013] Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

12/16/2008, PASSED ON FIRST READING.

1/6/2009, FINALLY PASSED.

1/6/2009, PREVIOUS VOTE RESCINDED.

1/6/2009, CONTINUED ON FINAL PASSAGE. Continued to January 13, 2009.

1/13/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

1/13/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Elsbernd, Mirkarimi

11. 081535 [Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]
Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process.
(Public Utilities Commission)
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

12. 081536 [WSIP Agreement No. CS-963, Program Construction Management Services - Not to Exceed \$26,000,000]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed \$26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and that ordinance is effective.
(Public Utilities Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

13. 081419 [Amendment to a Contract with Stratus Technologies, Inc. to Extend the Term for More than Ten Years]
Resolution retroactively authorizing the Department of Technology to enter into the Fifth, Sixth and Seventh Amendment of an agreement with Stratus Technologies, Inc., to extend the term of the agreement to fourteen years.
(Department of Technology)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Mirkarimi

14. 081468 [Emergency contract to design and install new, compliant emergency electrical generation system at San Francisco General Hospital]
Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to install a new, permanent emergency electrical generation system at San Francisco General Hospital.
(Public Works Department)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Elsbernd

15. 081460 [Proposed Contemporary Art Museum]
Supervisor Alioto-Pier
Resolution supporting the location of the proposed Contemporary Art Museum in the City and County of San Francisco.

11/25/2008, REFERRED to City Operations and Neighborhood Services Committee.
Question: Shall this Resolution be ADOPTED?
16. 081462 [Liquor license transfer, 1957 Union Street]
Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 599 Clement Street to 1957 Union Street (District 2), to Melissa Gisler for Gusto Partners, LLC, dba Spuntino di Ottimista, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?
17. 081586 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements Project]
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action.
(Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

18. 081587 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing - Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.
(Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

19. 081617 [Adopting findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.
(Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Duffy

20. 081199 [Medical Cannabis Act Revisions]
Mayor
Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.
21. 081511 [Reentry Council]
Supervisor Mirkarimi
Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Duffy, Mar

22. 090036 [Appointment, Metropolitan Transportation Commission - Chris Daly]
Motion appointing Supervisor Chris Daly, term ending February 10, 2011, to the Metropolitan Transportation Commission.

Question: Shall this Motion be APPROVED?

Board of Supervisors Sitting As a Committee of the Whole

(Pending approval of File No. 090050.)

23. 090039 [Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Action: _____

24. 090009 [Modifying election procedures and deadlines for a June 2, 2009 election]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Question: Shall this Ordinance be FINALLY PASSED?

25. 090040 [Hearing - Resolution calling a municipal special election for June 2, 2009]

Hearing to consider the possible adoption of a resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

Action: _____

26. 090010 [Calling a municipal special election for June 2, 2009]

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

(Pending approval of File No. 090048.)

27. 090041 [Hearing - Ordinance amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]
Hearing to consider the possible adoption of an Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

Action: _____

28. 090013 [Amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]
Supervisor Daly
Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.
(Fiscal Impact.)



Question: Shall this Ordinance be PASSED ON FIRST READING?

(Pending approval of File No. 090049.)

29. 090023 [Public Health services mid-year cuts]
Supervisor Daly
Hearing to discuss mid-year cuts of public health services.

Action: _____

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

30. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

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(Pending approval of File No. 090048.)

27. 090041 [Hearing - Ordinance amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]
Hearing to consider the possible adoption of an Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

Action: _____

28. 090013 [Amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]
Supervisor Daly
Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.
(Fiscal Impact.)

Question: Shall this Ordinance be FINALLY PASSED?

(Pending approval of File No. 090049.)

29. 090023 [Public Health services mid-year cuts]
Supervisor Daly
Hearing to discuss mid-year cuts of public health services.

Action: _____

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

30. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

31. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 32 through 39

32. 090028 [Commending Wiona Davis and her lifetime commitment in helping the children, youth, and families of San Francisco]
Supervisor Duffy
 Resolution commending Wiona Davis and her lifetime commitment in helping the children, youth, and families of San Francisco.
 1/13/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
33. 090029 [Reauthorization of Food Security Task Force]
Supervisor Maxwell
 Resolution extending the sunset provisions of the Food Security Task Force to January 31, 2010.
 1/13/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
34. 090030 [Urging the Board of Directors of the Bay Area Rapid Transit District (BART) to establish an independent Civilian Oversight body to investigate claims of BART Police misconduct]
Supervisors Campos, Mirkarand, Maxwell, Duffy
 Resolution urging the BART Board of Directors to immediately establish an independent Civilian Oversight body to investigate claims of misconduct by the BART Police, and urging our State Representatives to pass legislation requiring that BART have independent third-party civilian oversight of its Police force.
 1/13/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

35. 090031 [Accept-Expend Grant - Office of the Public Defender - \$50,000]
Mayor, Supervisor Mirkarimi
Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$50,000 from The San Francisco Foundation for consulting services to support the development of data collection tools and service standards in support of the new Reentry Council.

1/13/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
36. 090034 [Nominating Supervisor Mirkarimi for California Coastal Commission]
Supervisor Chiu
Motion nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission.

1/13/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
37. 090048 [Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Amendment to Annual Appropriation Ordinance]
Supervisor Chiu
Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider an amendment to the Annual Appropriation Ordinance and the Annual Salary Ordinance for fiscal Year 2008-2009.

1/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
38. 090049 [Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Hearing on Mid-Year Cuts to Public Health Services]
Supervisor Chiu
Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider Board of Supervisors file number 090023, a hearing to discuss mid-year cuts of public health services.

1/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
39. 090050 [Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Special Election June, 2009]
Supervisor Chiu
Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider legislation related to a special election to be held in June, 2009.

1/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda*

40. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from January 6, 2009 to January 16, 2009, for reference by President to appropriate committee on January 27, 2009.

090044 [Settlement of Lawsuit - Computers For Marketing Corporation - \$42,000]

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for \$42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al.
(City Attorney)

1/20/2009, RECEIVED AND ASSIGNED to Rules Committee.

090045 [Settlement of Lawsuit - Susan Howard - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/2009, RECEIVED AND ASSIGNED to Rules Committee.

090046 [Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

1/20/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from January 6, 2009 to January 16, 2009, for reference by President to appropriate committee on January 27, 2009.

090042 [Public Auction - Tax-defaulted Real Property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property.
(Treasurer-Tax Collector)

1/7/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090043 [Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to Charter Section 9.118]

Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118.
(Public Utilities Commission)

1/12/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090051 [Petitions and Communications]

Petitions and Communications received from January 6, 2009 through January 16, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 27, 2009.

From concerned citizens, urging the Board to deny the conditional use permit for excess parking for 299 Valencia Street. File 081420, Copy: Each Supervisor, 2 letters (1)

From Bruce Brugmann, regarding the "Bay Guardian" editorial on the problem with the BART police. 2 letters (2)

From Patrick Monette-Shaw, suggesting that Supervisor Mirkarimi is the clear choice to become the next president of the Board of Supervisors. (3)

From Daly City, Department of Water and Wastewater Resources, submitting notice of preparation of the Harding Park Recycled Water Project. Copy: Each Supervisor (4)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Star Machine and Tool Company. (5)

From Christian Holmer, submitting copy of Resolution 421-04, regarding the Public Information Pilot Project. (6)

From Jim Meko, regarding the Board of Supervisors inaugural meeting on January 8, 2009. (7)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (8)

Frances Hsieh, Legislative Aide to Supervisor Avalos

Lin-Shao Chin, Legislative Aide to Supervisor Mar

Lynette Haynes, Legislative Aide to Supervisor Campos

Pooja Jhujhwal, Legislative Aide to Supervisor McGoldrick

David Owen, Legislative Aide to Supervisor Peskin

From concerned citizens, urging the City and County of San Francisco to restore Sharp Park Golf Course. Approximately 20 letters (9)

From Letty Cenidoza, regarding various issues. (10)

From Fred Biagini, commenting on proposed legislation regarding "Congestion Toll" that would charge motorists for entering and leaving portions of San Francisco. (11)

From Ahimsa Sumchai, submitting the air monitoring data for Parcel A of the Hunters Point Shipyard Lennar Development. (12)

From Giannetto, urging the Zoo Director to put more of an emphasis on education and rehabilitation of the animals at the San Francisco Zoo. (13)

From Municipal Transportation Agency, submitting an overtime justification report for July 1, 2008 through October 31, 2008. Copy: Budget Clerk (14)

From James Chaffee, submitting copy of letter sent to the Mayor regarding responsiveness in government: an attendance policy. (15)

From Health Service System Director, submitting notice of the Health Service Board Election. (16)

From David Tornheim, submitting opposition to the appointment of Jonathan Pearlman to the Historic Preservation Commission. Files 081545, 081546, Copy: Rules Committee members, clerk (17)

From Lynn Dyer, regarding her dismissal as an employee at the Recreation and Park Department. (18)

From Ted Strawser, commenting on the lack of bike lanes in San Francisco. (19)

From BART, Government and Community Relations, submitting an update on the BART Police shooting incident. (20)

From Office of the City Attorney, submitting an updated Financial Recovery and Savings Report. (21)

From David Silverman, regarding the special exception which allows an extension of an appeal hearing date for cases where a full Board is not in attendance. File 081420 (22)

From Patrick Monette-Shaw, regarding access to activated hyperlinks to background files on various Board of Supervisors agendas posted on-line three days in advance of Board hearings. (23)

From Francisco Da Costa, submitting letter entitled "Lennar Corporation must be charged for crimes against the constituents of Bayview Hunters in San Francisco. (24)

From concerned citizens, thanking the Board for their support for grants for the arts in San Francisco. Copy: Each Supervisor, 5 letters (25)

From Aaron Goodman, regarding the lack of new affordable rental housing in San Francisco. (26)

From concerned citizens, submitting letter regarding Lennar Corporation stocks and shares down by 20%. 2 letters (27)

From Christian Holmer, submitting request for a current signed copy of the Ethics Commissions Record Retention and Destruction Schedule. (28)

From Francisco Da Costa, submitting letter entitled "Lennar Corporation and blatant corruption all over this nation" dated January 11, 2009. (29)

From Francisco Da Costa, regarding the thousands that gathered to honor and make sure another Oscar Grant incident never happens again. 3 letters (30)

From Office of the Mayor, submitting letter vetoing File 081589, regarding the Eastern Neighborhoods Zoning Map height district for Mission Street theater properties. File 081589, Copy: Each Supervisor (31)

From Office of the Mayor, submitting letter vetoing File 081440, de-appropriating \$998,145 of General Fund in the Mayor's Office of Criminal Justice and \$761,021 of Federal District Grant Revenue in the Department of Public Health for the Community Justice Center in fiscal year 2008-09. File 081440, Copy: Each Supervisor (32)

From Office of the Mayor, submitting notice that Supervisor Alioto-Pier and Supervisor Dufty have been designated as Acting Mayor from January 16 until January 20, 2009. Copy: Rules Committee (33)

From Office of the Controller, submitting the biannual and monthly overtime report. (34)

From Office of the Controller, submitting annual audit report from the city services auditor for fiscal year 2007-08. (35)

From Patrick Missud, regarding the dangerous intersection of Alemany Boulevard and San Juan Avenue. Copy: Supervisor Alvalos (36)

From concerned citizens, urging the Planning Commission to continue the public comment period on the Bicycle Plan DEIR. Copy: Each Supervisor (37)

From Lloyd Schloegel, regarding letter he received from Office of the Clerk, Supreme Court of the United States. (38)

From Cheryl Cotterill, regarding commendation of Captain Casciato. (39)

From Richard Skaff, regarding the Department of Building Inspection dimensional tolerance policy. (40)

From Christian Holmer, regarding public records request from various City Officials. (41)

From Department of Public Health, submitting a status report on the Health Care Security Ordinance that provides an update on the development and implementation of the Employer Spending Requirement and the Healthy San Francisco Program. (42)

From Port, submitting the contracting activity quarterly report for the period September 1, 2008 through December 31, 2008. (43)

From Office of the Controller, confirming that all newly elected and continuing Supervisors have been bonded as of January 1, 2009 as required by the San Francisco Administrative Code. (44)

From California Association of County Fish and Game Commission, announcing the 2009 California Association of County Fish and Game Commission conference on February 4, 2009. (45)

From Arts Commission, submitting the fiscal year 2008-09 second quarterly report. Copy: Each Supervisor, Budget clerk (46)

From Sharon Seliga, submitting support for an amended version of the clean energy ordinance which ensures that the City closes the Mirant Power Plant by 2012. (47)

From SF Preservation Consortium, regarding the mayoral nominees to the SF Historic Preservation Commission. (48)

From Angela Bates, urging the Board to take all possible steps to improve and secure the well being of all the animals that live at the SF Zoo. (49)

From State Department of Transportation, submitting report regarding illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety. (50)

From David Villa-Lobos, commenting on police chief candidates. (51)

From Francisco Da Costa, commenting on the Bay Area Air Quality Management District. (52)

From Francisco Da Costa, commenting that the Joint Bay View/Hunters Point PAC and CAC tries to push an urban design plan for Phase 2 of the Hunters Point Shipyard. (53)

From State Department of Fish and Game Commission, submitting notice of proposed regulatory action that delta smelt warrants uplisting from endangered to threatened species status. (54)

ADJOURNMENT



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, February 3, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday

1:00 PM

1st and 3rd Thursday

3:30 PM

1st and 3rd Thursday

1:00 PM

1st and 3rd Monday

10:00 AM

Monday

1:00 PM

2nd and 4th Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Board Meeting Procedures

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Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
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Disability Access

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The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

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Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 5

Recommendation of the Public Safety Committee

Present: Supervisors Campos, Mirkarimi, Alioto-Pier

1. 081599 [Accept and Expend grant - US Department of Justice, Office of Violence Against Women - \$499,755]
Supervisor Elsbernd
Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of \$499,755 from the Department of Justice (DOJ), Office of Violence Against Women (OVW), FY 2008 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Duffy

2. 081395 [Settlement of Lawsuit - Denise Caicedo - \$47,500.00]

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior Court, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al.
(City Attorney)

1/27/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. 081618 [Settlement Of Lawsuit - Xiaomei Ma v. CCSF - \$115,000]

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco.
(City Attorney)

1/27/2009, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 081199 [Medical Cannabis Act Revisions]

Mayor

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

1/27/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. 081511 [Reentry Council]

Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

1/27/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Consideration of Mayor's Veto.

6. 081440 [De-Appropriating \$998,145 of General Fund and \$761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]

Supervisor Daly

Ordinance de-appropriating \$998,145 of General Fund in the Mayor's Office of Community Justice and \$761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

(Fiscal Impact.)

(Supervisor Elsbernd dissented in committee.)

12/9/2008, CONTINUED ON FIRST READING. Supervisor Sandoval was previously excused from voting on this matter.

Continued to December 16, 2008.

12/16/2008, PASSED ON FIRST READING. Supervisor Sandoval was previously excused from voting on this matter.

Supervisor Peskin requested to be added as a co-sponsor.

1/6/2009, FINALLY PASSED.

Action: _____

Consideration of Mayor's Veto.

7. 081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]
Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
(Planning Department)

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

12/9/2008, PASSED ON FIRST READING.

12/16/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

12/16/2008, PASSED ON FIRST READING AS AMENDED.

1/6/2009, FINALLY PASSED.

Action: _____

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Elsbernd, Mirkarimi

8. 081535 [Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]
Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process.
(Public Utilities Commission)
(Fiscal Impact.)

1/27/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 081536 [WSIP Agreement No. CS-963, Program Construction Management Services - Not to Exceed \$26,000,000]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed \$26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and that ordinance is effective.
(Public Utilities Commission)
(Fiscal Impact.)

1/27/2009, CONTINUED. Continued to February 3, 2009

Question: Shall this Resolution be ADOPTED?

Board of Supervisors Sitting As a Committee of the Whole

10. 090103 [Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]
Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.
Action: _____
11. 090106 [Modifying election procedures and deadlines for a June 2, 2009 election]
Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

1/27/2009, DUPLICATED AND AMENDED to Board of Supervisors. Duplicated from File No. 090009.

1/27/2009, CONTINUED AS AMENDED ON FINAL PASSAGE. Continued to February 3, 2009 with the Board sitting as a Committee of the Whole.

Question: Shall this Ordinance be FINALLY PASSED?

12. 090010 [Calling a municipal special election for June 2, 2009]
Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.
(Fiscal Impact.)

1/27/2009, CONTINUED. Continued to February 3, 2009.

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

13. 081619 [Airport Lease and Operating Agreement]
Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343.
(Airport Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

From Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Chu

14. 081596 [Accept and Expend FY 2008-2009 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$2,112,026]
Supervisor Alioto-Pier
Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of \$2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present, Supervisors Maxwell, Mar, Chiu

15. 080822 [Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Stalking]
Supervisors Chu, Mirkarimi, Dufty, Maxwell, Alioto-Pier, Chiu
Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 081581 [Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]
Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco.
(Port)

Question: Shall this Resolution be ADOPTED?

17. 081601 [Accept Local Gift of Services - \$430,000]
Supervisor Maxwell
Resolution authorizing the Port of San Francisco to accept a gift of services with an estimated value of \$430,000 from the Copra Crane Labor Landmark Association, a non-profit organization, for the restoration and preservation of the Port of San Francisco's "Copra Crane," located at Pier 84.

Question: Shall this Resolution be ADOPTED?

18. 081602 [Transferring streetscape improvements along Fillmore Street from the San Francisco Redevelopment Agency to the City]
Supervisor Mirkarimi
Resolution terminating a Major Street Encroachment Permit and recognizing the termination of two Minor Sidewalk Encroachment Permits and Public Work Order No. 172,568, and the modification of a minor sidewalk encroachment permit, all pertaining to the installation and maintenance of streetscape improvements along portions of Fillmore Street between Post and McAllister Streets and transferring the ongoing maintenance responsibility for the streetscape improvements from the San Francisco Redevelopment Agency to the City in exchange for 1.8 million dollars.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

19. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

20. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 21 and 22

21. 090104 [Preserving the California Mental Health Services Act]

Supervisor Avalos

Resolution urging Governor Arnold Schwarzenegger to sustain the state's commitment to mental health funding and preserve Proposition 63 monies for its intended purpose.

1/27/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

22. 090105 [Accept and Expend Grant - Office of Language Services - \$10,000]

Supervisor Chu

Resolution retroactively authorizing the Office of Language Services to accept and expend \$10,000 from the Annie E. Casey Foundation, to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.

1/27/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

*Questions on the For Adoption Without Committee Reference
Agenda: _____*

23. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from January 17, 2009 through January 26, 2009 for reference by President to the appropriate committee on February 3, 2009.

090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of \$250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; and making environmental findings.
(Public Works Department)

1/26/2009, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009.

090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]

Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings.
(Planning Department)

1/26/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

PROPOSED RESOLUTIONS

Proposed resolution received from January 17, 2009 through January 26, 2009 for reference by President to the appropriate committee on February 3, 2009.

090052 [Settlement of Administrative Enforcement Action - \$87,000]

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$87,000.

(Public Utilities Commission)

1/22/2009, RECEIVED AND ASSIGNED to Rules Committee.

090116 [Petitions and Communications]

Petitions and Communications received from January 20, 2009 through January 26, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 3, 2009.

From EDAW Inc., submitting copy of the Fairmont Hotel Revitalization and Residential Tower Project. (1)

From Department of Public Health, submitting request for waiver of Administrative Code Chapter 12B to purchase hospital beds for Stryker Sales Corporation. (2)

From Office of the Mayor, submitting notice of the Mayor's Teacher of the Month and Principal of the Year Award programs. Copy: Each Supervisor (3)

From Office of the Mayor, withdrawing Jonathan Pearlman's name (at his request) as a nominee to the Historic Preservation Commission. Copy: Clerk, Rules Committee (4)

From PUC Hetch Hetchy Water and Power, submitting request for waiver of Administrative Code Chapter 12B for PME Babbitt Bearings to purchase services for refurbishment of bearing shoes for Kirkwood Powerhouse Unit 1. (5)

From David Tornheim, submitting opposition to the appointment of Jonathan Pearlman to the Historic Preservation Commission. Copy: Each Supervisor (6)

From Kristen Fratto, commenting on the extremely valuable Neighborhood Emergency Response Training (NERT) program taught by the San Francisco Fire Department. Copy: Each Supervisor (7)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of the state of California from January 24, 2009 and returning on February 2, 2009. Supervisor Chu, Supervisor Elsbernd and Supervisor Duffy will serve as Acting-Mayor. Copy: Each Supervisor, Clerk (8)

From concerned citizens, submitting support to restore Sharp Park. 4 letters (9)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090106-006) (10)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090106-005) (11)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090106-002) (12)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 200812-002) (13)

From Municipal Transportation Agency, regarding the feasibility of installing a stop sign and/or traffic calming devices at various locations in District 4. (Reference No. 20081118-001) (14)

From Department of Emergency Management, submitting copy of correspondence sent to constituent regarding an updated version to the Disaster Council for the January 23, 2009 meeting. (15)

From Ahimsa Sumchai, submitting new information on the health effects of helicopter noise, crash incidence data through 2008 and other risk benefit analysis data. (16)

From Bruce Brugman, submitting an editorial opposing privatizing taxicab permits. (17)

From David Tornheim, regarding the Mayor's appointments to the Historic Preservation Commission. Copy: Each Supervisor (18)

From Francisco Da Costa, submitting letter commenting that the SF Public Utilities Commission lacks accountability and transparency when it comes to process with twenty-six million at stake. (19)

From Francisco Da Costa, commenting on Amy Brownwell's dismissal from the Hunters Point Shipyard Restoration Advisory Board. (20)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (21)

Pilar Schiavo, Legislative Aide to Supervisor Ammiano

Zachary Tuller, Legislative Aide to Supervisor Ammiano

David Noyola, Legislative Aide to Supervisor Chiu

John Jackson, Legislative Aide to Supervisor Daly

Nicholas Kinsey, Legislative Aide to Supervisor Sandoval

Aaron Peskin, Supervisor

From Ivan Pratt, submitting letter entitled "will we finance the people of the United States" dated January 23, 2009. (22)

From Richard Skaff, submitting copy of letter sent to the Department of Building Inspection requesting if the department will modify or remove its dimensional tolerance policy. (23)

From Budget Analyst, submitting Budget Analyst Activity Status Report for the Quarter ending December 31, 2008. Copy: Clerk (24)

From E.L., submitting article from the Daily Journal newspaper regarding Mayor Newsom for Governor. (25)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090106-003) (26)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090106-004) (27)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090113-002) (28)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090113-003) (29)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090113-004) (30)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5. (Reference No. 20090113-005) (31)

From Maggie Rufo, commenting on the sale of a SF Zoo Giraffe to Six Flags Discovery Kingdom in Vallejo. (32)

From State Board of Equalization, submitting dates and times of the annual Taxpayers' Bill of Rights public hearing. Copy: Each Supervisor (33)

From State Fish and Game Commission, submitting notice of date change for public hearing to remove the California brown pelican from the list of endangered species. (34)

From Patrick Monette-Shaw, regarding President Obama freezing salaries of staff earning over \$100,000. (35)

From Patrick Monette-Shaw, regarding the mid-year public health hearings. (36)

From Patrick Monette-Shaw, alleging that San Francisco Officials are curtailing free speech and limiting first amendment rights on the June 2, 2009 Special Election. (37)

From Francisco Da Costa, alleging that tons of millions of toxic dirt is buried at SF Mission Bay. (38)

From Media Center, urging the Board to work with the management of Access SF, as well as with a strong coalition of public access individuals and non-profit organizations in San Francisco to help solve this critical funding problem before June 30, 2009. (39)

From Office of the Controller, submitting report on the revenue and expenditures of the Golf Fund. (40)

From James Ludwig, submitting opposition to taxing cars coming into the City. Copy: Each Supervisor (41)

From Kevin Comora, submitting letter entitled "San Francisco's Board of Supervisors fail to activate public record hyperlinks, despite 4.1 million to 6.9 million personnel budget" dated January 24, 2009. (42)

From Kelly Reed, submitting support for an amended version of Supervisor Maxwell's clean energy ordinance. (43)

From State Fish and Game Commission, regarding recreational fishing regulations for federal groundfish and associated species for 2009 and 2010. (44)

From Board President, submitting Board of Supervisors committee assignments. (45)

APPOINTMENTS BY THE MAYOR

Arts Commission

Maya Draisin

Jeannene Przyblyski

Fire Commission

George Lau

Health Commission

David Sanchez

Catherine Waters

Human Services Commission

Kelly Dearman

Anita Friedman

Juvenile Probation Commission

Katie Albright

Library Commission

Larry Kane

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, February 10, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
10:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

GOVERNMENT
DOCUMENTS DEPT

FEB - 6 2009

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PUBLIC LIBRARY

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

REGULAR AGENDA

UNFINISHED BUSINESS

Possible Consideration of Mayoral Veto

(Pending approval of File No. 090150)

1. 090009 [Modifying election procedures and deadlines for a June 2, 2009 election]
Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.
NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 7, 2009 to veto this legislation.

1/27/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisor Daly move to duplicate the file. (See File No. 090106)

1/27/2009, FINALLY PASSED.

Action: _____

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Chu

2. 081596 [Accept and Expend FY 2008-2009 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$2,112,026]

Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of \$2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

2/3/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present Supervisors Maxwell, Mar, Chiu

3. 080822 [Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Stalking]
Supervisors Chiu, Mirkarimi, Duffy, Maxwell, Alioto-Pier, Chiu, Campos
Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

2/3/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

2/3/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

4. 081581 [Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]
Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco.
(Port)

2/3/2009, CONTINUED. Continued to February 10, 2009

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Chu

5. 081360 [Lease of real property at 3801 Third Street, Suite 400]
Resolution authorizing the lease at 3801 Third Street, Suite 400, for the Department of Public Health
commencing retroactively on July 1, 2008.
(Real Estate Department)

Question: Shall this Resolution be ADOPTED?

6. 090042 [Public Auction - Tax-defaulted real property]
Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real
property.
(Treasurer-Tax Collector)

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, February 9, 2009 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, February 10, 2009.

7. 090027 [Contract with Owners' Association for administration/management of Yerba Buena Community Benefit District]
Mayor
Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Yerba Buena Community Benefit District," pursuant to Section 36651 of the California Streets and Highways Code.

Question: Shall this Resolution be ADOPTED?

8. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

9. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 10 through 18

10. 090143 [Extending the Library Citizens Advisory Committee]
Supervisor Daly
Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
11. 090144 [Commending Margaret Brodtkin on over 30 years of service on behalf of San Francisco children and families]
Supervisors Dufty, Maxwell, Avalos, Campos, Mirkarimi, Chiu
Resolution commending Margaret Brodtkin on over 30 years of service on behalf of San Francisco children and families.
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
12. 090145 [Commending David H. Williams and his 19 years of dedicated work to the Human Services Agency for the City and County of San Francisco since 1990]
Supervisor Dufty
Resolution commending David H. Williams and his dedication to the Human Services Agency for the City and County of San Francisco since 1990.
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
13. 090146 [Commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco]
Supervisor Dufty
Resolution commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco.
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

14. 090147 [Commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies]
Supervisors Duffy, Maxwell, Alioto-Pier
Resolution commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies.
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
15. 090148 [Supporting Earth Hour 2009 - March 28, 2009]
Supervisor Alioto-Pier
Resolution declaring March 28, 2009 between 8:30-9:30PM as Earth Hour in San Francisco and urging all city government buildings, public schools and public landmarks to turn off non-essential lighting on this date and time.
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
16. 090149 [Celebrating the centennial of the National Association for the Advancement of Colored People (NAACP)]
Supervisor Mirkarimi
Resolution celebrating the centennial of the National Association for the Advancement of Colored People (NAACP).
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
17. 090150 [Waiving Board Rule 4.19 regarding consideration of Mayoral veto]
Supervisor Chiu
Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.
- 2/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be APPROVED?
18. 090102 [Below Market Rate Condominium Conversion Program - Release of Units at 3321 17th Street] Mayor
Resolution approving the release of six units at 3321 17th Street from the Below Market Rate Condominium Conversion Program under Subdivision Code Sections 1341 and 1385.
- 1/27/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
2/4/2009, TRANSFERRED to Board of Supervisors.
2/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference

Agenda: _____

19. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from January 27, 2009 to February 2, 2009, for reference by President to appropriate committee on February 10, 2009.

090108 [De-appropriating \$11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]

Ordinance de-appropriating \$11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission.
(Public Utilities Commission)

1/28/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090154 [Petitions and Communications]

Petitions and Communications received from January 27, 2009 through February 2, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 10, 2009.

From Office of Building Inspection, submitting the Efficiency Plan and Performance Measures for the Department of Building Inspection, fiscal year 2008-09. Copy: Each Supervisor, Clerk (1)

From Public Library, submitting the 2000 Branch Library Improvement Bond Quarterly Report, fourth quarter 2008. (2)

From Peter Warfield, concerning problems with the renovation planning for the Park Branch library. (3)

From concerned citizens, submitting support to restore Sharp Park. 24 letters (4)

From Law Library, submitting the Efficiency Plan and Performance Measures for the Law Library, for fiscal year 2008-09. Copy: Each Supervisor (5)

From concerned citizens, submitting support for the appointment of Larry Mazzola to the Golden Gate Bridge Authority. Copy: Rules Committee (6)

From Board of Appeals, submitting the Efficiency Plan and Performance Measures for the Board of Appeals, for fiscal year 2008-09. (7)

From Patrick Monette-Shaw, commenting on the budget deficit facing the City and County of San Francisco. 2 letters (8)

From Patrick Monette-Shaw, submitting letter entitled "free speech values restored to SF's proposed June 2 election rules; open meeting rules remain at great accountability risk" dated February 1 2009. (9)

From Christian Holmer, concerning audit of the public records request of public officials for the week of January 24, 2009 through January 30, 2009. (10)

From Department of Public Works, submitting quarterly report of the Department of Public Works Defective Sidewalk Repair Revolving Account for the period September 30, 2008 through December 31, 2008. (11)

From Metcalf and Eddy, submitting report regarding the Auxiliary Water Supply System Study. Copy: Each Supervisor (12)

From California Building Standards Commission, submitting acknowledgement receipt of San Francisco Ordinance No. 281-08 with findings on December 11, 2008. (13)

From James Chaffee, submitting letter entitled "Respect for the First Amendment" dated January 30, 2009. (14)

From Department of Public Works, submitting names of newspaper publishers issued citations for free standing news racks not in compliance with regulations. (15)

From Public Utilities Revenue Bond Oversight Committee, submitting their 2008 Annual Report. Copy: Each Supervisor, Clerk (16)

From SF Association of Realtors, submitting opposition to the special election in June 2009 for the purpose of presenting revenue and tax measures to the voters of the City and County of San

Francisco. File 090040 (17)

From Clerk of the Board, submitting Form 700 for Supervisor Eric L. Mar and Max Siegel, legislative aide to Supervisor Sandoval. (18)

From First 5 San Francisco, submitting the Efficiency Plan and Performance Measures for First 5 San Francisco, fiscal year 2008-09. (19)

From Recreation and Park Department, submitting report for the 2nd quarter of fiscal year 2008-09 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention. Copy: Each Supervisor (20)

From Office of the Controller, submitting report on the impact of freezing or reducing fees paid by small business in the upcoming fiscal year. (21)

From Charlene Jones, submitting opposition to reducing operational funding for Access SF beginning July 1, 2009. (22)

From Harry Nebenzahl, regarding fancy food shows donating extra food to local food banks. (23)

From Planning Department, submitting notice that the San Antonio Reservoir Hypolimnetic Oxygenation System Project is under environmental review. (24)

From Raianna, commenting on management decisions at the San Francisco Zoo. (25)

From Ahimsa Sumchai, regarding the amount of asbestos at Hunters Point Shipyard Parcel A. 4 letters (26)

From the Children and Families Commission, submitting the Efficiency Plan and Performance Measures for the Children and Families Commission, fiscal year 2008-09. (27)

From Francisco Da Costa, commenting on various decisions by the San Francisco City Attorney. 2 letters (28)

From Francisco Da Costa, regarding Barry Minkow and the "fraud discovery institute" coming to Bayview Hunters Point. (29)

From Francisco Da Costa, submitting letter entitled "Hope SF a ploy so devious" dated January 27, 2009. (30)

From Department on the Status of Women, announcing the release of the 2009 Directory of Social Services for Women in San Francisco. (31)

From Housing Authority, submitting comments on automating the waiting lists for Section 8 as well as the housing opportunities for persons with AIDS pursuant to the report by the Office of the Legislative Analyst. (Reference No. 20090127-011) (32)

From Villa-Lobos, commenting on the "Drug Free Zone" signs in the Tenderloin district. (33)

From Charles Marsteller, commenting that a major seismic event is due in nine years or less. (34)

From Department of Public Works, reporting on the status of removing graffiti from various locations in District 5. (Reference No. 20090106-006) (35)

From Kenny Cowan, regarding the parking situation on Fulton Street between Gough and Franklin Streets. (36)

From Bonnie Birk, submitting opposition to the June 2009 election and proposed new taxes in San Francisco. File 090040 (37)

From Ruth Berson, regarding public funding for the arts in San Francisco. (38)

From Katie Heimsoth, submitting support for an amended version of Supervisor Maxwell's clean energy ordinance. (39)

From concerned citizens, regarding proposed Department of Public Health's cuts on the most vulnerable citizens in San Francisco. File 090041 (40)

From Department of Public Health, submitting the AIDS cases reported through December 2008. (41)

From Department of Building Inspection, regarding the dimensional tolerances for new and existing construction. (42)

ADJOURNMENT



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, February 17, 2009 10:00 AM

Special Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the January 6, 2009 and January 8, 2009 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

REGULAR AGENDA

UNFINISHED BUSINESS

Possible Consideration of Mayoral Veto

(Pending approval of File No. 090186)

1. 090106 [Modifying election procedures and deadlines for a June 2, 2009 election]
Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107: (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures. Version

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 13, 2009 to veto this legislation.

1/27/2009, DUPLICATED AND AMENDED to Board of Supervisors. Duplicated from File No. 090009.

1/27/2009, CONTINUED AS AMENDED ON FINAL PASSAGE. Continued to February 3, 2009 with the Board sitting as a Committee of the Whole.

2/3/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

2/3/2009, FINALLY PASSED.

Action: _____

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Chu

2. 090133 [Ordering Submission of Gross Receipts Tax to Voters]

Supervisor Avalos

Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4) amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance)" at an election to be held on June 2, 2009.

(2/9/09 - Economic Impact)

Question: Shall this Motion be APPROVED?

3. 090134 [One-half of one percent (0.50%) Sales Tax Increase for Emergency Health and Human Services and Public Protection]

Supervisor Avalos

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for emergency health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the June 2, 2009 election.

(2/9/09 - Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

4. 090135 [Ordering Submission of Proposed Payroll Expense Tax Amendment to Voters]

Supervisor Chiu

Motion ordering submitted to the voters an "Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds \$300,000, but is less than or equal to \$400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is \$300,000 or less, beginning with the 2010 tax year" at an election to be held on June 2, 2009.

(2/9/09 - Economic Impact)

Question: Shall this Motion be APPROVED?

Board of Supervisors Sitting As a Committee of the Whole

(Pending approval of File 090185)

5. 090188 [Public Hearing - To consider ordinance adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]
- Hearing to consider the possible adoption of an ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the June 2, 2009 special election.

Action: _____

Committee of the Whole Adjourn and Report Without Recommendation

6. 090136 [Adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration]
- Supervisors Chiu, Duffy
- Ordinance adopting and submitting to the voters the ordinance amending the San Francisco Business and Tax Regulations Code to add Article 8 imposing a voter-approved local assessment on the privilege of a resident of the City and County to operate upon the public highways in the City and County a vehicle or trailer coach, the registrant of which is subject to tax under Part 5 (commencing with Section 10701) of the California Revenue and Taxation Code, at a rate not to exceed the difference between two percent of the market value of the vehicle or trailer coach and the rate imposed by the State of California pursuant to Section 10751 of the Revenue and Taxation Code, administered by the State Department of Motor Vehicles; acknowledging that state law has not yet been enacted authorizing the imposition of the assessment but approving imposition of such a charge at the specified rate when and if state law authorizes the City to impose it and directing submission of the measure for voter approval at the June 2, 2009 special election.
- (2/9/09 - Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Rules Committee at a Special Meeting on Thursday, February 12, 2009 at 9:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, February 19, 2009.

17

(Only one of the following two motions should be approved.)

7. 090058 **[Reappointment, Arts Commission - Maya Draisin]**
Motion approving the Mayor's reappointment of Maya Draisin to the Arts Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)
- Question: Shall this Motion be APPROVED?
8. 090059 **[Reappointment, Arts Commission - Maya Draisin]**
Motion rejecting the Mayor's reappointment of Maya Draisin to the Arts Commission for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)
- Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

9. 090060 [Reappointment, Arts Commission - Jeannene Przyblyski]
Motion approving the Mayor's reappointment of Jeannene Przyblyski to the Arts Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

10. 090061 [Reappointment, Arts Commission - Jeannene Przyblyski]
Motion rejecting the Mayor's reappointment of Jeannene Przyblyski to the Arts Commission for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)**11. 090062 [Reappointment, Fire Commission - George Lau]**

Motion approving the Mayor's reappointment of George Lau to the Fire Commission, for the term ending January 15, 2013.

(Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

12. 090063 [Reappointment, Fire Commission - George Lau]

Motion rejecting the Mayor's reappointment of George Lau to the Fire Commission for the term ending January 15, 2013.

(Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

17. 090068 [Reappointment, Human Services Commission - Kelly Dearman]
Motion approving the Mayor's reappointment of Kelly Dearman to the Human Services Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

18. 090069 [Reappointment, Human Services Commission - Kelly Dearman]
Motion rejecting the Mayor's reappointment of Kelly Dearman to the Human Services Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

19. 090070 [Reappointment, Human Services Commission - Anita Friedman]
Motion approving the Mayor's reappointment of Anita Friedman to the Human Services Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)
- Question: Shall this Motion be APPROVED?
20. 090071 [Reappointment, Human Services Commission - Anita Friedman]
Motion rejecting the Mayor's reappointment of Anita Friedman to the Human Services Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)
- Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

21. 090072 [Reappointment, Juvenile Probation Commission - Katie Albright]
Motion approving the Mayor's reappointment of Katie Albright to the Juvenile Probation Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)
- Question: Shall this Motion be APPROVED?
22. 090073 [Reappointment, Juvenile Probation Commission - Katie Albright]
Motion rejecting the Mayor's reappointment of Katie Albright to the Juvenile Probation Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

23. 090074 [Reappointment, Library Commission - Larry Kane]
Motion approving the Mayor's reappointment of Larry Kane to the Library Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)
- Question: Shall this Motion be APPROVED?
24. 090075 [Reappointment, Library Commission - Larry Kane]
Motion rejecting the Mayor's reappointment of Larry Kane to the Library Commission, for the term ending January 15, 2013.
(Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – January 20, 2009.)

Question: Shall this Motion be APPROVED?

25. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

26. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 27 through 33

27. 090185 [Board of Supervisors to sit as a Committee of the Whole - February 17, 2009 - Vehicle License Fee]
Supervisor Chiu
Motion that the Board convenes as a Committee of the Whole on February 17, 2009, to consider Board of Supervisors file number 090136, a measure adopting and submitting to the voters an ordinance imposing a local assessment on all vehicles in San Francisco that are subject to Department of Motor Vehicle registration.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
28. 090186 [Waiving Board Rule 4.19 regarding consideration of Mayoral veto]
Supervisor Chiu
Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

29. 090189 [Susan Langlands Day - February 28, 2009]
Supervisor Avalos
Resolution declaring February 28, 2009 "Susan Langlands Day" in the City & County of San Francisco.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
30. 090190 [Commending the Moby Dick bar for its 30 years of dedicated service to the Castro District]
Supervisor Duffy
Resolution commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
31. 090191 [Amended Landmark Tree Criteria, Nomination and Evaluation Forms]
Supervisor Mar
Resolution amending Landmark Tree Criteria, Nomination and Evaluation Forms to be used in the implementation of a nomination, evaluation, and removal process for landmark trees in the City and County of San Francisco.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
32. 090192 [Commending Star of the Sea School on their 100th year anniversary]
Supervisor Mar
Resolution commending Star of the Sea School on their 100th year anniversary.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
33. 090193 [Requesting establishment of the Office of Urban Policy in President Obama's Administration]
Supervisor Mirkarimi
Resolution requesting that the proposed Office of Urban Policy in President Obama's Administration form a permanent advisory group to help guide that office in its efforts to provide assistance to our nation's urban areas.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, February 24, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188. Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the January 6, 2009 and January 8, 2009 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition 1 in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, public comment for this item will take place during general public comment.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 5

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 090043 [Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to Charter Section 9.118]
Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118.
(Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Alioto-Pier

2. 090025 [Accept-Expend federal grant funds to support HIV/AIDS services - \$4,758,228]
Supervisor Duffy
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a funding award entitled the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Part A Program), in the amount of \$4,758,228, for the San Francisco Eligible Metropolitan Area, from the Health Resources and Services Administration (HRSA), to support HIV/AIDS health services; for the period of February 1, 2009 through June 30, 2009.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present Supervisors Mirkarimi, Mar, Maxwell

3. 081448 [Juvenile Probation and Camp Funding Grant Program]
Supervisor Maxwell

Resolution authorizing the Juvenile Probation Department to participate in the State of California's Juvenile Probation and Camp Funding Program, to receive funds for direct services to eligible children and their families.

12/9/2008, RE-REFERRED to Government Audit and Oversight Committee.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present Supervisors Daly, Chu, Campos

4. 081320 [Appointment, Child Care Planning and Advisory Council - Candace Wong]
Motion appointing Candace Wong, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Question: Shall this Motion be APPROVED?

5. 090055 [Appointment, Elections Commission - Gerard Joseph Gleason]
Motion appointing Gerard Joseph Gleason, term ending January 1, 2014, to the Elections Commission.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated _____

REGULAR AGENDA

UNFINISHED BUSINESS

(Pending approval of File No. 090186)

Vetoed by the Mayor

Consideration to override veto pursuant to Charter Section 2.106 of Ordinance, which would modify election procedures and deadlines for a June 2, 2009 special election.

6. 090106 [Modifying election procedures and deadlines for a June 2, 2009 election]
- Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107: (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.
- NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
- The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on February 13, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before March 15, 2009.

1/27/2009, DUPLICATED AND AMENDED to Board of Supervisors. Duplicated from File No. 090009.
1/27/2009, CONTINUED AS AMENDED ON FINAL PASSAGE. Continued to February 3, 2009 with the Board sitting as a Committee of the Whole.
2/3/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
2/3/2009, FINALLY PASSED.
Action: _____

Consideration to override veto pursuant to Charter Section 2.106 of Ordinance, Calling a municipal special election for June 2, 2009.

7. 090010 [Calling a municipal special election for June 2, 2009]
- Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.
- (Fiscal Impact.)

1/27/2009, CONTINUED. Continued to February 3, 2009.
2/3/2009, ADOPTED.
Action: _____

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

8. 081604 [Amending FY 2008-2009 Annual Salary Ordinance]
Mayor
Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.
(Fiscal Impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
9. 090097 [Administrative Code Revision: Health Service System]
Supervisor Elsbernd
Ordinance amending Chapter 16, Article XV, of Part I of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.
(Fiscal Impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
10. 090108 [De-appropriating \$11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]
Ordinance de-appropriating \$11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission.
(Public Utilities Commission)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
11. 090098 [Establishing Monthly Contribution Amount to Health Service Trust Fund]
Supervisor Elsbernd
Resolution establishing monthly contribution amount to Health Service Trust Fund.
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?

12. 081394 [Adoption of the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and Accept and Expend additional PEI Allocation-\$874,700]
Resolution authorizing the adoption of the Mental Health Services Act Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and authorizing the Department of Public Health to accept and expend the additional PEI allocation totaling \$874,700.
(Public Health Department)

2/10/2009, SUBSTITUTED. Supervisor Avalos submitted a substitute resolution bearing new title.

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Chu

13. 090134 [One-half of one percent (0.50%) Sales Tax Increase for Emergency Health and Human Services and Public Protection]
Supervisor Avalos
Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for emergency health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the June 2, 2009 election.
(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 090133 [Ordering Submission of Gross Receipts Tax to Voters]
Supervisor Avalos
Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4) amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance)" at an election to be held on June 2, 2009.
(Economic Impact)

Question: Shall this Motion be APPROVED?

15. 090135 [Ordering Submission of Proposed Payroll Expense Tax Amendment to Voters]
Supervisor Chiu
Motion ordering submitted to the voters an "Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds \$300,000, but is less than or equal to \$400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is \$300,000 or less, beginning with the 2010 tax year" at an election to be held on June 2, 2009.
(Economic Impact)

Question: Shall this Motion be APPROVED?

Recommendations of the Land Use and Economic Development Committee

Present. Supervisors Maxwell, Mar, Chiu

16. 081356 [Zoning Map Amendment - 483 Bosworth Street, also known as 1 Lyell Street]
Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b).
(Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 090099 [Re-establishing the name of the Richmond District]
Supervisor Mar
Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present. Supervisors Daly, Chu, Campos

18. 081512 [Workforce Development - First Source Hiring Program]
Supervisors Mirkarimi, Maxwell
Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 090056 [Appointment, Association of Bay Area Governments Executive Board - Supervisor John Avalos]
Motion appointing Supervisor John Avalos, term ending June 30, 2009, to the Association of Bay Area Governments Executive Board.

Question: Shall this Motion be APPROVED?

20. 090163 [Appointment, SF Local Agency Formation Commission - Supervisor John Avalos]
Motion appointing Supervisor John Avalos, as an alternate member, term ending February 4, 2010, to the San Francisco Local Agency Formation Commission.

Question: Shall this Motion be APPROVED?

Present: Supervisors Daly, Campos

21. 090078 [Appointments, Golden Gate Bridge, Highway and Transportation District- Supervisors Bevan Dufty, Michela Alioto-Pier, Sean Elsbernd and Carmen Chu]
Motion appointing Supervisors Bevan Dufty, Michela Alioto-Pier, Sean Elsbernd and Carmen Chu, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

Question: Shall this Motion be APPROVED?

22. 090053 [Appointment, SF Local Agency Formation Commission - Supervisor Bevan Dufty]
Motion appointing Supervisor Bevan Dufty, term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

Question: Shall this Motion be APPROVED?

23. 090164 [Appointment, SF Local Agency Formation Commission - Supervisor Eric Mar]
Motion appointing Supervisor Eric Mar, term ending August 27, 2009, to the San Francisco Local Agency Formation Commission.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, February 19, 2009 at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, February 24, 2009.

24. 090044 [Settlement of Lawsuit - Computers For Marketing Corporation - \$42,000]
Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for \$42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. 090045 [Settlement of Lawsuit – Susan Howard – \$175,000]
Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454, entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. 090046 [Settlement of Lawsuits – Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]
Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment, the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

27. 090157 [Settlement of Lawsuit – Mehرداد Alemozaffar – \$350,000]
Supervisor Only
Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehرداد Alemozaffar and against the City and County of San Francisco in the amount of \$350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehرداد Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Junation Reynmundo and George Coviello.

Question: Shall this Ordinance be PASSED ON FIRST READING?

28. 090052 [Settlement of Administrative Enforcement Action – \$87,000]
Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$87,000. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

29. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

30. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee.

Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

CLOSED SESSION

31. 090201 [Closed Session - Conference with City Attorney, Significant Exposure to Litigation with the Roman Catholic Archdiocese of S.F.]

Supervisor Elsbernd

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from the City Attorney in light of significant exposure to litigation with the Roman Catholic Archdiocese of San Francisco related to the application of the City's Documentary Transfer Tax to certain property transfers.

Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning matters would likely and unavoidably prejudice the position of the City in the potential litigation.

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

CLOSED SESSION

32. 090122 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]
Supervisor Avalos
Motion that the Board of Supervisors convene in closed session with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 33 through 42

33. 090186 [Waiving Board Rule 4.19 regarding consideration of Mayoral veto]
Supervisor Chiu
Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
34. 090189 [Susan Langlands Day - February 28, 2009]
Supervisor Avalos
Resolution declaring February 28, 2009 "Susan Langlands Day" in the City & County of San Francisco.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
35. 090190 [Commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District]
Supervisor Dufty
Resolution commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
36. 090191 [Amended Landmark Tree Criteria, Nomination and Evaluation Forms]
Supervisor Mar
Resolution amending Landmark Tree Criteria, Nomination and Evaluation Forms to be used in the implementation of a nomination, evaluation, and removal process for landmark trees in the City and County of San Francisco.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
37. 090192 [Commending Star of the Sea School on their 100th year anniversary]
Supervisor Mar
Resolution commending Star of the Sea School on their 100th year anniversary.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

38. 090193 [Requesting establishment of the Office of Urban Policy in President Obama's Administration]
Supervisor Mickarini
Resolution requesting that the proposed Office of Urban Policy in President Obama's Administration form a permanent advisory group to help guide that office in its efforts to provide assistance to our nation's urban areas.

2/10/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
39. 090165 [Final Map - 1299 Bush Street]
Motion approving Final Map 5079, a 26 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1299 Bush Street being a subdivision of Lot 014 in Assessors Block No. 0279 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,048; District 3.)

2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
40. 090166 [Final Map - 1315-1327 7th Avenue]
Motion approving Final Map 4654, an 11 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1315 - 1327 7th Avenue being a subdivision of Lot 052 in Assessors Block No. 1762 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,050; District 5.)

2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
41. 090167 [Final Map - 2101 and 2125 Bryant Street]
Motion approving Final Map 4478, a 76 Unit Residential Condominium Project, located at 2101 and 2125 Bryant Street being a subdivision of Lot 065 in Assessors Block No. 4080 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,035; District 6.)

2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

42. 090168 [Final Map - 4451-4455 Mission Street]
Motion approving Final Map 5325, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4451 – 4455 Mission Street being a subdivision of Lots 022A and 022B in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,037; District 11.)

2/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

43. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from February 3, 2009 to February 13, 2009, for reference by President to appropriate committee on February 24, 2009.

090117 [Settlement of Lawsuit - Antia Lelaïnd - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaïnd against the City and County of San Francisco et al. for \$175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaïnd v. City and County of San Francisco, et al.
(City Attorney)

2/10/2009, RECEIVED AND ASSIGNED to Rules Committee.

090158 [Settlement of Lawsuit - Mark Boyd - \$85,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.
(City Attorney)

2/11/2009, RECEIVED AND ASSIGNED to Rules Committee.

090170 [Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]

Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance.
(Public Works Department)

2/6/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090171 [Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance.
(Public Works Department)

2/6/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090172 [Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities.
(Public Utilities Commission)

2/9/2009, RECEIVED AND ASSIGNED to Rules Committee.

090199 [Conflict of Interest Code Amendments]

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-145, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

(Clerk of the Board)

2/12/2009, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/26/2009.

090202 [Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Planning Department)

2/13/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

090203 [Zoning Map Amendment - 401 - 421 Shields Street]

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b).

(Planning Department)

2/13/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

PROPOSED RESOLUTIONS

Proposed resolutions received from February 3, 2009 to February 13, 2009, for reference by President to appropriate committee on February 24, 2009.

090155 [Settlement of Claim - Deo Dutt - \$98,443.83]

Resolution approving the settlement of unlitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for \$98,443.83; claim was filed on October 21, 2008.

(City Attorney)

2/10/2009, RECEIVED AND ASSIGNED to Rules Committee.

- 090198 [Accept-Expend Federal Grant Funds - San Francisco Fire Department - \$297,030]
Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of \$297,030 from the Federal Emergency Management Agency (FEMA) to develop and implement an Advanced Driver Training Program for its uniformed employees.
(Fire Department)

2/11/2009, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

090205 [Petitions and Communications]

Petitions and Communications received from, February 3, 2009 through February 13, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 24, 2009.

From Office of the Mayor, submitting letter communicating veto of an emergency ordinance modifying various election procedures and deadlines for a June 2, 2009 special election. File 090009, Copy: Each Supervisor, City Attorney, Clerk (1)

From Police Department, submitting its 2008-compliance plan as required by SF Administrative Code Section 89.9, Equal Access to City Services for Limited English Speakers. (2)

From James Chaffee, submitting letter entitled "Private Interests in the Library – The Fox in the Hen House" dated February 3, 2009. (3)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (4)
David Chiu-Supervisor (assuming)
Emily Rogers-Legislative Aide (leaving)
Alice Guidry-Legislative Aide (assuming)
Jake McGoldrick (leaving)
Lena Gomes-Legislative Aide (leaving)
Sheila Chung Hagen-Legislative Aide (assuming)

From Human Services Commission, submitting support for arrangements that will permit job sharing, reduction in hours, unpaid leave, foregoing of salary increases; and urging that budgetary credit be allocated to the department whose employees make such concessions. Copy: Clerk (5)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Dellner Couplers, Inc. (6)

From various City Departments, submitting the Efficiency Plan and Performance Measures for the following departments, fiscal year 2008-09. Copy: Each Supervisor, Clerk (7)

Adult Probation Department
Assessor-Recorder
Office of Citizens Complaints
Civil Service Commission
District Attorney
Department of Emergency Management
Department of the Environment
Ethics Commission
Human Rights Commission
Department of Human Resources
Human Services Agency

Police Department
Port
Public Defender
Public Health
Public Library
Public Utilities Commission
Rent Board
Department of Technology

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under Treasurer's management. (8)

From Office of the Controller, submitting the 2008-09 mid-year report for the Whistleblower Program. Copy: Each Supervisor, Clerk (9)

From Jacquie Sullivan, City Council member, Bakersfield, CA., inquiring if the S.F. Board of Supervisors will vote in favor of displaying our national motto "In God We Trust" in City Hall. (10)

From Kimo Crossman, regarding disclosure of an employee's address, birth date and Social Security number. (11)

From concerned citizens, submitting support to restore Sharp Park. 12 letters (12)

From concerned citizens, commenting on the proposed June 2, 2009 special election. 4 letters (13)

From Shannon Seaberg, submitting support for American Apparel on Valencia Street. (14)

From Arthur Evans, commenting on how the Board of Supervisors are dealing with crime in San Francisco. (15)

From Maria St. John, submitting opposition to Governor Schwarzenegger's budget proposal to decrease funding for California's First 5 Commission. (16)

From Office of the Controller-City Services Auditor, submitting the annual report for Recreation and Park, fiscal year 2007-08. (17)

From Office of the City Attorney, submitting notice that appeal of a mitigated negative declaration for a project at 110 The Embarcadero was filed in a timely manner and therefore, the appeal should be calendared before the Board of Supervisors. Copy: Clerk (18)

From concerned citizens, submitting opposition to closing the Park Branch of the Public Library. 2 letters (19)

From Ahimsa Sumchai, commenting on the recent history and current state of the Potrero Power Plant debate. (20)

From Department of Public Health, regarding the feasibility of allocating housing and/or supportive housing units to Adult Probation Officer Darren Dill's Homeless Outreach Program. (Reference No. 20090203-011) (21)

From Ivan Pratt, commenting on the elevator repair and discrepancy neglect at the Alexander Residence at 230 Eddy Street. (22)

From Office of the Controller-City Services Auditor, submitting compliance audit for Alaska Airlines, Inc. (23)

From Office of the Controller-City Services Auditor, submitting concession review of seven Port of San Francisco tenants. (24)

From Office of the Controller, submitting fiscal year 2008-09 six-month budget status report. (25)

From Office of the Controller, submitting letter providing a preliminary estimate of proposed legislation amending the Business Tax and Regulations Code-Gross Receipts Tax. (26)

From Kim Stryker, regarding unsolved murders, violent crimes and quality of life in San Francisco. (27)

From Retiree Health Care Trust Fund Board, submitting notice announcing the Retiree Health Care Trust Fund Board Election. (28)

From Office of Civic Engagement and Immigrant Affairs, submitting resolution supporting immigrant taxi drivers and protection of city services for immigrants in San Francisco. (29)

From Office of the Controller-City Services Auditor, submitting review of the \$45 million contract between the Public Utilities Commission and Parsons Water and Infrastructure, Inc. (30)

From Treasure Island Development Authority, submitting revenues generated from Building 3 on Treasure Island in fiscal years 2003-2008. (31)

From Kimo Crossman, requesting he be notified of all future passive meetings by emailing notices and agendas to him. (32)

From Molly Burke, commenting that BART has turned over its internal affairs investigation to the Oakland-based law firm of Meyers Nave. (33)

From Christian Holmer, regarding public records request. (34)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 20090106-001) (35)

From Department of Public Works, regarding removing graffiti from various locations in District 5. (Reference No. 200901113-001) (36)

From Department of Public Works, regarding pothole repair at Geary and Post Streets. (Reference No. 200901113-003) (37)

From Department on the Status of Women, submitting newsletter for the Department on the Status of Women. Copy: Each Supervisor (38)

From Ivan Pratt, submitting a letter entitled "To be or not to be" dated February 11, 2009. (39)

From State Fish and Game Commission, submitting notice of proposed emergency regulatory action relating to incidental take of the California tiger salamander. (40)

From Francisco Da Costa, regarding the Stop Lennar Action Movement. 2 letters (41)

From Francisco Da Costa, regarding youth and guns and the SF Unified School District. (42)

From Francisco Da Costa, commenting that the Mayor's Office of Criminal Justice and SF Safety Committee lacks leadership. (43)

From Francisco Da Costa, commenting that San Francisco must not treat immigrants like dirt and abuse them. (44)

From Francisco Da Costa, questioning where are the killers of Gregory Johnson Jr. (45)

From Francisco Da Costa, regarding the Pullman Porters and history. (46)

ADJOURNMENT

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

**City and County of San Francisco
NOTICE OF PUBLIC HEARING
Board of Supervisors**

**GOVERNMENT
DOCUMENTS DEPT**

FEB 24 2009

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General Notice

Transmitted: February 20, 2009

A public hearing will be held on Tuesday, March 3, 2009 at 4:00 p.m., or as soon as possible after this time, at Legislative Chamber, Room 250, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

The Board of Supervisors will hold a public hearing relative to the listed subject. All interested parties are cordially invited to attend. Persons who are unable to attend the hearing may submit written comments regarding this matter prior to the beginning of the hearing. These comments will become part of the official public record.

Comments may be mailed to: Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Documents relating to this matter are also available for inspection at the address above.

FILE NO. 090109

Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

Angela Calvillo, Clerk of the Board

NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, March 3, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

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FEB 27 2009

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

11:00 AM

1st and 3rd Thursday

10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings. For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the January 13, 2009 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 17

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 081604 [Amending FY 2008-2009 Annual Salary Ordinance]
Mayor
Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.
(Fiscal Impact.)

2/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. 090097 [Administrative Code Revision: Health Service System]
Supervisor Elsbernd
Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.
(Fiscal Impact.)

2/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. 090108 [De-appropriating \$11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]
Ordinance de-appropriating \$11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission.
(Public Utilities Commission)

2/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Daly

4. 090132 [Accept and expend grant funds for children's dental disease prevention services]
Supervisor Avalos
Resolution authorizing the San Francisco Department of Public Health (SF DPH) to accept and expend retroactively a three-year grant from the California Department of Public Health (CA DPH), to fund the California Dental Disease Prevention Program (CCDDPP), for the period of July 1, 2007 through June 30, 2010; and authorizing SF DPH to execute all documents and subsequent amendments related to this contract.

Question: Shall this Resolution be ADOPTED?

5. 090138 [Accept and expend grant funds to support the 3rd Street Clinic expansion - \$115,191]
Supervisor Maxwell
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and retroactively expend grant funds in the amount of \$115,191 for a three-year project from the 3rd Street Youth Center to expand clinic hours at the 3rd Street Clinic from 12 hours per week to 20 hours per week; for the period of February 1, 2009 through January 31, 2012.

Question: Shall this Resolution be ADOPTED?

6. 090142 [Accept and expend grant - Funding a Healthy San Francisco program evaluation - \$300,000]
Mayor, Supervisor Duffy
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$300,000 from the Blue Shield of California Foundation to fund a Healthy San Francisco program evaluation; for the period of January 1, 2009 through June 30, 2010.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

7. 081356 [Zoning Map Amendment - 483 Bosworth Street, also known as 1 Lyell Street]
Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

2/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 090099 [Re-establishing the name of the Richmond District]
Supervisor Mar
Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

2/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

9. 081512 [Workforce Development - First Source Hiring Program]
Supervisors Mirkarimi, Maxwell, Campos
Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

2/24/2009, PASSED ON FIRST READING. Supervisor Campos requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

10. 090044 [Settlement of Lawsuit - Computers For Marketing Corporation - \$42,000]
Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for \$42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al.
(City Attorney)

2/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. 090045 [Settlement of Lawsuit - Susan Howard - \$175,000]
Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)
- 2/24/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
12. 090157 [Settlement of Lawsuit - Mehrdad Alemozaftar - \$350,000]
Supervisor Daly
Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaftar and against the City and County of San Francisco in the amount of \$350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaftar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.
- 2/24/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
13. 090113 [Appointment, San Francisco Health Authority - Eddie Chan]
Motion appointing Eddie Chan, term ending January 15, 2010, to the San Francisco Health Authority, residency requirement waived.
- Question: Shall this Motion be APPROVED?
14. 090115 [Appointments, Asthma Task Force - Margi English and Lisa Fricke]
Motion appointing Margi English and Lisa Fricke, terms ending July 1, 2011, to the Asthma Task Force.
- Question: Shall this Motion be APPROVED?
15. 090119 [Appointments, Child Care Planning and Advisory Council - Melinda Kanter-Levy and Pamela Tate-Roger]
Motion appointing Melinda Kanter-Levy and Pamela Tate-Roger, terms ending December 31, 2009 and December 31, 2011, to the Child Care Planning and Advisory Council, residency requirement waived.
- Question: Shall this Motion be APPROVED?
16. 090152 [Appointment, SRO Task Force - Matthias Mormino]
Motion appointing Matthias Mormino, term ending December 31, 2009, to the SRO Task Force.
- Question: Shall this Motion be APPROVED?
17. 090156 [Appointment, Bicycle Advisory Committee - Casey Allen]
Motion appointing Casey Allen, term ending November 19, 2010, to the Bicycle Advisory Committee.
- Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated.

REGULAR AGENDA

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Daly

18. 090019 [Liquor License Transfer - 575 Howard Street]
Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 280 - 7th Street to 575 Howard Street (District 6), to Colin O'Malley and Leilani Brennan for Eve Lounge will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Duffy, Daly, Alioto-Pier

19. 081330 [Adopting the United Nations Convention on the Rights of the Child]
Supervisor Alioto-Pier
Resolution urging the Board of Supervisors to adopt the United Nations Convention on the Rights of the Child and supporting its inalienable freedoms for children and youth in San Francisco.

Question: Shall this Resolution be ADOPTED?

20. 090008 [Public, Education and Government Cable Access System]
Supervisor Mirkarimi
Resolution requesting San Francisco's Congressional and State Legislative Delegations reform laws governing use of Public, Education and Government Cable Access System Funds.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

21. 081560 [India Basin Industrial Park Zoning Map Amendment]

Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 081561 [India Basin Industrial Park, Planning Code Text Amendment]

Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. 090137 [Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]

Supervisor Maxwell

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Question: Shall this Ordinance be PASSED ON FIRST READING?

24. 090101 [Interim Zoning Controls Requiring Conditional Use Authorization for Tobacco Paraphernalia Establishments, as Defined, in the Haight Street Neighborhood Commercial District]

Supervisor Mirkarimi

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, subject to specified exceptions, in the Haight Street Neighborhood Commercial District and in all properties zoned NC-1 (Neighborhood Commercial Cluster District) and NC-2 (Small-Scale Neighborhood Commercial District) along Haight Street, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

25. 090114 [Appointment, Urban Forestry Council - Terry Milne]
Motion appointing Terry Milne, term ending November 18, 2010, to the Urban Forestry Council.
(Supervisor Chu dissented in committee)

Question: Shall this Motion be APPROVED?

26. 090169 [Appointments - Bay Area Air Quality Management District - Supervisors Chris Daly and Eric Mar]
Motion appointing Supervisors Chris Daly and Eric Mar, terms ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors.

Question: Shall this Motion be APPROVED?

From the Rules Committee Without Recommendation

Present: Supervisors Daly, Chu, Campos

27. 090046 [Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]
Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.**APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

28. 090109**[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.) (Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

29. 090110 [Affirming the categorical exemption issued for the 717 Battery Street/350 Pacific Avenue project]
Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.
- Question: Shall this Motion be APPROVED?
30. 090111 [Disapproving the categorical exemption issued for the 717 Battery Street/350 Pacific Avenue project]
Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.
- Question: Shall this Motion be APPROVED?
31. 090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.
- Question: Shall this Motion be APPROVED?

32. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

33. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 34 through 43

34. 090240 [Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]
Mayor, Supervisors Duffy, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar
Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. 090241 [90 day extension for Historic Preservation Commission review - The Metro Theatre]
Supervisor Alioto-Pier
Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. 090242 [Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]
Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty
Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.
- 2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
37. 090243 [Urging Congress to pass the Uniting American Families Act]
Supervisors Campos, Dufty, Avalos, Chiu
Resolution urging Congress to pass the Uniting American Families Act and supporting the removal of legal barriers to immigration by permanent same-sex partners.
- 2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
38. 090246 [Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]
Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu
Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.
- 2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
39. 090247 [Celebrating the reopening of the Angel Island Immigration Station]
Supervisors Mar, Chiu
Resolution celebrating the reopening of the Angel Island Immigration Station.
- 2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
40. 090248 [Accept-Expend State Grant - Sheriff's Department - \$96,885]
Supervisor Mirkarimi
Resolution authorizing the Sheriff's Department of the City and County of San Francisco to accept and expend \$96,885 in additional funds from the Corrections Standards Authority for the standards and training of local corrections and probation officers programs; stipulating adherence to standards for recruitment and training established by the Corrections Standards Authority, waiving any indirect costs.
- 2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

41. 090249 [Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]
Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty
Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 090231 [Extending Time for Negotiations with Labor Unions to June 30, 2009]
Mayor
Motion extending time for negotiations pursuant to Charter Section 11.100.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

43. 090239 [Adopting a proposed schedule of audits to be conducted of programs of City and County departments]
Supervisor Mirkarimi
Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference

Agenda: _____

44. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

{Brown Act Finding}

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from February 17, 2009 to February 23, 2009, for reference by President to appropriate committee on March 3, 2009.

090210 [Zoning Map Amendment - 2400 Irving Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

2/19/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

090211 [Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

2/19/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

090212 [Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

2/19/2009, RECEIVED AND ASSIGNED to Rules Committee.

090250 [Petitions and Communications]

Petitions and Communications received from, February 17, 2009 through February 23, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 3, 2009.

From Supervisor Aliqto-Pier, withdrawing her nomination as member of the Board of Directors of the Golden Gate Bridge, Highway and Transportation District. File 090078, Copy: Rules Committee (1)

From Department of Public Works, submitting report concerning use of funds appropriated from the Local Street and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006. (2)

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under the Treasurer's management. (3)

From various City Departments, submitting the Efficiency Plan and Performance Measures for the following departments, fiscal year 2008-09. (4)

War Memorial and Performing Arts Center

Sheriff's Department

Office of the Controller

SF International Airport

Department of Children, Youth and Their Families

From concerned citizens, submitting support for restoring Sharp Park. 4 letters (5)

From concerned citizens, submitting opposition to closing the Park Branch Library. 6 letters (6)

From concerned citizens, urging the Board of Supervisors to support the arts in San Francisco. 6 letters (7)

From concerned citizens, submitting opposition to eliminating playground directors as a cost-cutting measure at the Recreation and Park Department. (8)

From Balboa High School students, regarding earthquake preparedness in San Francisco. 14 letters (9)

From Office of the Controller-City Services Auditor, submitting report concerning the concession audit of the Bay Area Restaurant Group Joint Venture with the Airport Commission. (10)

From Department of Public Works, regarding the status of removing graffiti from utility poles at various locations in District 5. (Reference No. 20090127-003) (11)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090127-002) (12)

From Kimo Crossman, requesting copies of agendas and notices of all future passive meetings sent to him by email. (13)

From Kimo Crossman, requesting Supervisor Chiu's detailed calendar of all city hall and offsite meetings including phone calls with anyone related to city business per Sunshine 67.29-5 from February 1 to present. (14)

From Bob Planthold, submitting letter entitled "Disability Perspective: Supes. To Disabled: We don't need to think about disability concerns" letter dated February 17, 2009. (15)

From Arthur Evans, commenting on Supervisor Campos as chair of the Public Safety Committee.

(16)

From the Port, submitting copy of letter sent to constituent regarding a public records request. (17)

From Bob Planthold, commenting that allowing cars to park on the sidewalk during street cleaning may result in safety problems for people with disabilities. (18)

From Arthur Evans, commenting that the Board of Supervisors want sanctuary for Levy suspect. (19)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of the state of California from February 19, 2009 until February 20, 2009, Supervisor Elsbernd will serve as Acting-Mayor. Copy: Each Supervisor, Clerk, City Attorney (20)

From Christian Holmer, regarding city hall building calendars, including past and future hearings and conference room bookings. (21)

From Jim Meko, regarding the Western SoMa Community Plan. (22)

From Jared Blumenfeld, congratulating a long time Recreation and Park Department employee for her outstanding service to the Recreation and Park Department. Copy: Each Supervisor (23)

From Christian Holmer, regarding public records request from various city departments. (24)

From Francisco da Costa, submitting the following letters: All roads lead to Sacramento, Lennar a Rogue Developer, The Muwekma Ohone-the first people of San Francisco, and town hall meeting in Oakland and trip to Sacramento. 4 letters (25)

From concerned citizens, urging the Board of Supervisors to support keeping the DNA lounge open. 2 letters (26)

From Dr. Ahimsa Porter Sumchai, commenting that the construction excavation at Hunters Point by the Lennar Corporation exceeds the level of asbestos mandated at both the fence line and in the community. (27)

From State Office of Historic Preservation, submitting notice that the Uptown Tenderloin Historic District is listed on the National Register of Historic Places. Copy: Each Supervisor (28)

From State Fish and Game Commission, submitting notice of date and location change for public hearing on proposed regulatory action regarding uplisting the Delta Smelt from threatened to endangered species status. (29)

ADJOURNMENT

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Notice of Canceled Meeting
Board of Supervisors
March 10, 2009 at 2:00 p.m.

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the
San Francisco Board of Supervisors for March 10, 2009 has been canceled.

The next regular meeting will be held on Tuesday, March 17, 2009 at 2:00 p.m., in the
Legislative Chamber, Second Floor, 1 Dr. Carlton B. Goodlett Place, Room 250, San
Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

03-01-09 10:19 AM
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BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, March 17, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

11:00 AM

1st and 3rd Thursday

10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at soff@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the January 27, 2009, February 3, 2009 and February 10, 2009 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 13

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 090220 [Apply-accept-expend State Grant funds - Recreation and Park Department - \$65,000]
Supervisor Mar
Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Public Education Grant administered by the California Department of Forestry and Fire Protection in the amount of \$65,000 for the Urban Forestry Project.

Question: Shall this Resolution be ADOPTED?

2. 090221 [Apply-accept-expend State Grant funds - Recreation and Park Department - \$200,000]
Supervisor Mar
Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of \$200,000 for the Urban Forestry Inventory Project.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. 081560 [India Basin Industrial Park Zoning Map Amendment]
Supervisor Maxwell
Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/3/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 081561 [India Basin Industrial Park, Planning Code Text Amendment]
Supervisor Maxwell
Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/3/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. 090137 [Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]
Supervisor Maxwell
Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

3/3/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present Supervisors Daly, Chu, Campos

6. 090117 [Settlement of Lawsuit - Antia Lelaïnd - \$175,000]
Ordinance authorizing settlement of the lawsuit filed by Antia Lelaïnd against the City and County of San Francisco et al. for \$175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. CD6-05870 MHP; entitled Antia Lelaïnd v. City and County of San Francisco, et al.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

7. 090158 [Settlement of Lawsuit - Mark Boyd - \$85,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

8. 090172 [Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]
Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities.
(Public Utilities Commission)

Question: Shall this Ordinance be PASSED ON FIRST READING?

9. 090155 [Settlement of Claim - Deo Dutt - \$98,443.83]
Resolution approving the settlement of mitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for \$98,443.83; claim was filed on October 21, 2008.
(City Attorney)

Question: Shall this Resolution be ADOPTED?

10. 081592 [Appointments, Voting Systems Task Force - Joanne Sanford, Brent Turner, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson]
Motion appointing Joanne Sanford, Brent Turner, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson, terms to be determined, to the Voting Systems Task Force, residency requirement waived.

Question: Shall this Motion be APPROVED?

11. 090037 [Appointments, Mental Health Board - Errol Wishom, Mary Ann Jones and Virginia Wright]
Motion appointing Errol Wishom, Mary Ann Jones and Virginia Wright, terms ending January 31, 2010 and January 31, 2012, to the Mental Health Board.

Question: Shall this Motion be APPROVED?

12. 090244 [Appointments, Library Citizens Advisory Committee - Theodore Bamberger and Houston Garcia]
Motion appointing Theodore Bamberger and Houston Garcia, terms ending July 18, 2010, to the Library Citizens Advisory Committee.

Question: Shall this Motion be APPROVED?

13. 090245 [Appointment, Asthma Task Force - Rondell Lane, M.D.]
Motion appointing Rondell Lane, M.D., term ending July 1, 2011, to the Asthma Task Force.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

From the Rules Committee Without Recommendation

Present: Supervisors Daly, Chu, Campos

14. 090046 [Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]
- Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco.
- (City Attorney)

3/3/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

15. 081603 [Redevelopment Agency Budget]
Mayor, Supervisor Mirkarimi

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-2009 to reprogram \$3,301,225 of funds budgeted for the Western Addition A2 Plan Area from the Muni Substation line item to the Fillmore Jazz Preservation District Revolving Loan Program line item in the amount of \$2,366,000, to the Office of Economic and Workforce Development for marketing and economic development activities within the Fillmore Jazz Preservation District including predevelopment planning for the Muni Substation in the amount \$535,225, subject to Budget and Finance Committee Reserve, and to a new Western Addition A2 property management line item in the amount of \$400,000.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

16. 090197 [Tax Exempt and Taxable Revenue Certificates of Participation]
Mayor

Resolution of the City and County of San Francisco authorizing the execution and delivery from time to time of its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation in an amount not to exceed \$150,000,000 in order to provide short-term financing to pay for certain capital improvements, and approving and authorizing execution of a trust agreement and certain financing documents and authorizing other related actions.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Chu, Campos, Duffy

17. 090131 [Appropriating \$17,000,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]
Supervisor Alioto-Pier

Ordinance appropriating \$17,000,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing \$15,500,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Avalos, Mirkarimi, Chu

18. 090100 [Solar Energy Incentive Program]
Supervisor Mirkarimi
Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 090140 [De-appropriating \$1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor, Supervisors Mirkarimi, Duffy
Ordinance de-appropriating \$1,000,000 of Power for Resale expenses and appropriating \$1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing \$500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 090275 [Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]
Supervisor Campos
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

21. 081400 [Recreation and Park Department - Water Use Efficiency and Recycled Water]
Supervisors Mirkarimi, Maxwell
Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

- 22. 081504 [Massage Services in South of Market Residential/Service Mixed Use District]**
Supervisors Daly, Dufty
Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 23. 081598 [Public Works Code - Appellate body for minor sidewalk encroachments]**
Supervisor Elsbernd
Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 24. 081620 [Zoning - Ordinance amending the Planning Code to correct errors and omissions]**
Supervisor Maxwell
Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1.
(Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present. Supervisors Daly, Chu, Campos

25. 090057 [Appointment, San Francisco Bay Conservation and Development Commission - David Chiu]
Motion appointing Supervisor David Chiu, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.
(Supervisor Chu dissented in Committee.)

Question: Shall this Motion be APPROVED?

26. 090151 [Appointments, Golden Gate Bridge, Highway and Transportation District - Janet Reilly and Lynne Newhouse Segal]
Motion appointing Janet Reilly and Lynne Newhouse Segal, terms ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Question: Shall this Motion be APPROVED?

27. 090207 [Appointment, Golden Gate Bridge, Highway and Transportation District - Member of the Board of Supervisors]
Motion appointing a member of the Board of Supervisors as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.
(Supervisor Daly dissented in Committee.)

2/24/2009, RE-REFERRED to Rules Committee.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.**APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

- 1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
- 2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).*
- 3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.*
- 4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.*
- 5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.*

28. 090159**[Public Hearing - Appeal of Mitigated Negative Declaration - 110 The Embarcadero]**

Hearing of persons interested in or objecting to the decision of the Planning Commission on November 6, 2008, approving a Mitigated Negative Declaration (Case No. 2006.1294E) for the proposed development at 110 The Embarcadero (Assessor's Block 3715, Lot 002). The project as proposed would demolish an existing two-story office building and construct a new 123-foot tall, 10-story over basement building containing approximately 52,890 square feet of office use; 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces located within the C-3-O Zoning District and the 84-X Height and Bulk District. (Appellant: Sue C. Hestor on behalf of San Franciscans for Reasonable Growth)
(Filed 2/4/09; Companion Measure to 090160, 090161, 090162; District 6.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)**29. 090160****[Affirming adoption of the mitigated negative declaration for 110 The Embarcadero]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

Question: Shall this Motion be APPROVED?

30. 090161 [Reversing adoption of the mitigated negative declaration for 110 The Embarcadero]
Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

Question: Shall this Motion be APPROVED?
31. 090162 [Preparation of findings to reverse adoption of the mitigated negative declaration for 110 The Embarcadero]
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Government Audit and Oversight Committee at a Special Meeting on Monday, March 16, 2009 at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, March 17, 2009.

32. 081563 [Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]
Supervisor Mirkarimi
Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.50 FTE) 9775 Senior Community Development Specialist II and one position (.50 FTE) 9770 Community Development Assistant to the Board of Supervisors (BOS). (Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?
33. 090230 [MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Question: Shall this Ordinance be PASSED ON FIRST READING?

34. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

35. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 36 through 49

36. 090240 [Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]
Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar
Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.
(Fiscal Impact.)

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
3/3/2009, CONTINUED. Continued to March 17, 2009
Question: Shall this Resolution be ADOPTED?
37. 090242 [Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]
Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty
Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
3/3/2009, CONTINUED. Continued to March 17, 2009
Question: Shall this Resolution be ADOPTED?

38. 090246 [Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]
Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu
Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.
- 2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
3/3/2009, CONTINUED Continued to March 17, 2009
Question: Shall this Resolution be ADOPTED?
39. 090239 [Adopting a proposed schedule of audits to be conducted of programs of City and County departments]
Supervisor Mirkarimi
Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.
- 2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
3/3/2009, CONTINUED Continued to March 17, 2009
Question: Shall this Motion be APPROVED?
40. 090288 [Accept-Expend State Grant Funds - Recreation and Park Department - \$40,045]
Supervisor Alioto-Pier
Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of \$40,045 for the Marina Green Pedestrian and Bicycle Improvement Project, under the Bicycle Facility Fund administered by the Bay Area Air Quality Management District (Air District).
- 3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
41. 090289 [Accept-Expend Grant Funds - Recreation and Park Department - \$35,189]
Supervisor Alioto-Pier
Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Carl Moyer Program Grant administered by the Bay Area Air Quality Management District (Air District) in the amount of \$35,189.00 for the repowering (replacement) of a workboat diesel engine belonging to and operated by San Francisco Small Craft Harbor/Recreation and Park Department.
- 3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
42. 090290 [Mountain Lake Park - Toxicity Issue]
Supervisors Alioto-Pier, Mar
Resolution urging CalTrans to use funds from the federal stimulus package to immediately resolve the toxicity issue at Mountain Lake through diversion of storm drains flowing directly into the lake and replacement of the outlet and overflow pipe and by dredging the lake to remove contaminated sediments and fill.
- 3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?

43. 090291 [Supporting Senate Bill 810, the California Health Insurance Reliability Act]
Supervisors Avalos, Campos, Daly, Mar, Mirkarimi, Chiu
Resolution supporting Senate Bill 810, the California Health Insurance Reliability Act of Senate Bill 810.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. 090292 [Mediation Week in San Francisco - March 16 - 20, 2009]
Supervisor Chu
Resolution declaring March 16th through March 20th, 2009 as Mediation Week in San Francisco.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. 090293 [Declaring San Francisco Arbor Week - March 7 - 14, 2009]
Supervisor Chu
Resolution declaring the week of March 7th through March 14th as Arbor Week in San Francisco.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 090294 [Commending Ming Pao Daily News - San Francisco edition]
Supervisors Chu, Chiu
Resolution commending Ming Pao Daily News' San Francisco edition for five years of service to the Chinese-American community in the San Francisco Bay Area.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

47. 090295 [Accept- Expend Federal/State Pass Through Grant - San Francisco Public Library - \$5,000]
Supervisor Chu
Resolution authorizing the Department of Public Library to retroactively accept and expend a grant in the amount of \$5,000 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for the SFPL Partnerships Plan which will provide a coherent system for staff to document, nurture, learn about, and extend partnerships that strengthen library ties within the community.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

48. 090204 [Final Map - 73-83 Grattan Street]
Motion approving Final Map 4294, a 6 Residential Unit Condominium Project, located at 73 – 83 Grattan Street being a subdivision of Lot 025 in Assessors Block No. 1280 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,057; District 5.)

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Question: Shall this Motion be APPROVED?

49. 090206 [Final Map - 1300-1320 Potrero Avenue, 2801 25th Street]
Motion approving Final Map 4876, a Two Lot Subdivision with a Three Unit Commercial Condominium Project on Parcel "A" and a Two Unit Commercial Condominium Project on Parcel "B", located at 1300 – 1320 Potrero Avenue, 2801 25th Street being a subdivision of Lot 029 in Assessors Block No. 4276 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,072; District 9.)

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

50. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from February 24, 2009 to March 9, 2009, for reference by President to appropriate committee on March 17, 2009.

- 090261** [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]
Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No.CGC 07-469460 ; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office.
(City Attorney)

2/26/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from February 24, 2009 to March 9, 2009, for reference by President to appropriate committee on March 17, 2009.

- 090251** [Approve SFPUC Sunol Valley Construction Management Contract]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-915R, Sunol Valley Regional Construction Management Services, with CH2Mhill, for an amount not to exceed \$16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118.
(Public Utilities Commission)

3/9/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090252** [Street Encroachment at 19th Avenue and Crespi Drive]
Resolution granting revocable permission to Parkmerced Investors Properties LLC, to occupy portions of the public right-of-way to construct, realign, and maintain an existing paved curb islands to improve pedestrian accessibility and vehicular traffic circulation and safety, resurface portions of Crespi Drive with new Bomanite stamped concrete paving and install three (3) decorative columns at the entry way to Crespi Drive public right-of-way, between 19th Avenue and Serrano Drive, to enhance the Property at 3711 19th Avenue (Assessor's Blocks 7315, 7316, 7320), conditioned upon the payment of an annual assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Public Works Department)

3/9/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090262 [Lease of Real Property at 520 Jones Street]

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco.
(Real Estate Department)

3/2/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090263 [Approval of an historical property contract for 166-178 Townsend Street]

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between 178 Townsend Properties LLC, the owner of 166-178 Townsend Street, and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.
(Planning Department)

3/2/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090301 [Petitions and Communications]

Petitions and Communications received from February 24, 2009 through March 9, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 17, 2009.

From concerned citizens, submitting copy of petition that was presented to the Recreation and Park Commission urging them not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. Signed by approximately 400 seniors of the Golden Gate Park Senior Community Center (1)

From concerned citizens, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. Approximately 500 letters (2)

From James Chaffee, regarding disclosure of contributions to the benefit of the Public Library from the Friends/Foundation of the Public Library. (3)

From concerned citizens, submitting opposition to closing the Park Branch Public Library. 4 letters (4)

From Pat Missud, regarding the dangerous intersection at San Juan Avenue/Alemanay Boulevard. (5)

From Asian Art Museum, submitting the Efficiency Plan and Performance Measures for the Asian Art Museum, fiscal year 2008-09. (6)

From Ivan Pratt, regarding the American Recovery and Reinvestment Act. (7)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-005) (8)

From Police Department, regarding statistics showing trends in violent crime over the past 12 months in District 11. (Reference No. 20091113-008) (9)

From Department of Public Works, regarding the status of removing graffiti from garbage cans at various locations in District 5. (Reference No. 20090202-002) (10)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-003) (11)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-004) (12)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090127-004) (13)

From Planning Department, submitting an invitation to all city residents to participate in the development of the 2009 Housing Element. (14)

From Christian Holmer, regarding a public records request from public officials for various weeks. 2 letters (15)

From Dr. Ahimsa Sumchai, submitting photos of the Stanford Life Flight rooftop helipad. (16)

From Dr. Ahimsa Sumchai, submitting changes the National Toxic Site Clean-Up Network supports to clean up toxic and radioactive sites. (17)

From Office of the Controller-City Services Auditor, submitting its audit report of 10 organizations

and their compliance with the City and County of San Francisco ordinance prohibiting the use of city funds for political activity. (18)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (19)

Sean Elsbernd, Supervisor (Annual)
Rick Caldeira, Deputy Director II (Assuming)
April Veneracion, Legislative Aide (Assuming)
Sarah Ballard, Legislative Aide (Annual)
Jennifer Stuart, Legislative Aide (Annual)
Katy Tang, Legislative Aide (Annual)
Frank Darby, Records & Information Manager (Annual)
Nilka Julio, Deputy Director II, Administration (Annual)
Madeleine Licavoli, Deputy Director II, Operations (Annual)
Michael Stover, Fiscal Officer (Annual)
Marjorie Williams, Sunshine Task Force (Annual)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090127-001) (20)

From Francisco Da Costa, commenting that the entire Hunters Point Naval Shipyard must be cleaned to residential standards. (21)

From Francisco Da Costa, regarding how the city and county will spend the stimulus money from the federal government. (22)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to tag quota changes, clarifications and urgency changes for the 2009-2010 mammal hunting regulations. (23)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Klamath Trinity River sport fishing. (24)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to ocean salmon sport fishing. (25)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Central Valley sport fishing. (26)

From Neighborhood Parks Council, submitting notice of the Western Addition Open Space Community Workshop on Wednesday, March 11, 2009. (27)

From Balboa High School students, regarding earthquake preparedness in San Francisco. 75 letters (28)

From concerned citizens, submitting support for the proposed development of 110 The Embarcadero Project. File 090159, Copy: Each Supervisor, 2 letters (29)

From Arthur Evans, commenting on the March 2, 2009 Public Safety Committee. Copy: Each Supervisor (30)

From Brandt-Hawley Law Group, submitting request to continue public hearing of project at 717 Battery Street/350 Pacific Avenue until April 7, 2009. Copy: Each Supervisor (31)

From Office of the Controller-City Services Auditor, submitting a concession audit report for Stow Lake Corporation. (32)

From concerned citizens, submitting opposition to any cuts in the After School Latchkey Programs. 2 letters (33)

From Arthur Evans, commenting on proposed resolution urging President Obama and Senators Boxer and Feinstein to appoint a new U.S. Attorney for the Northern District of California. File 090246 (34)

From Municipal Transportation Agency, submitting the tow refund report for the fourth quarter of 2008. (35)

From Tom Taylor, submitting support for full funding of a LAFCO managed Clean Power San Francisco project that will run San Francisco on 50% renewable energy sources within the next decade. (36)

From Public Utilities Commission, submitting request for waiver of Administrative Code Chapter 12B for Northern Energy. (37)

From Daniel Malone, submitting opposition to closing the Great Highway on Sundays. (38)

From Department of Public Works, regarding the current regulations for wireless facility installations on city streets. (39)

From Recreation and Park Department, submitting the Efficiency Plan and Performance Measures for the Recreation and Park Department, fiscal year 2008-09. (40)

From Adult Probation Department, regarding the feasibility of allocating housing and/or supportive housing units to Adult Probation Officer Darrin Dill's Homeless Outreach program. (41)

From Tenants of 769 North Point, submitting copy of letter sent to the Planning Department regarding 2650-52 Hyde Street, a historic registered Victorian. (42)

From Aaron Goodman, commenting on the need to improve bus service on the 17 and M lines. (43)

From concerned citizens, submitting support to restore Sharp Park. 2 letters (44)

From concerned citizen, commenting how small landlords are also hit by the recession. (45)

From Christina Ortiz, submitting opposition to any staff changes in the current Pine Lake Day Camp program. (46)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-001) (47)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090210-005) (48)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090210-003) (49)

From Francisco Da Costa, commenting that Lennar Corp. is using the stimulus money-tax payer's money illegally. (50)

From Francisco Da Costa, submitting letter entitled "Mayor Newsom and his ploys at Hunters Point Naval Shipyard" dated March 6, 2009. (51)

From Dr. Ahimsa Porter Sumchai, regarding letter of intent to apply for NIEH Partnership in Environmental Public Health Community Exposure Research Funds for Bayview Hunters Point Community. (52)

From Dr. Ahimsa Porter Sumchai, submitting letter entitled "Lennar Corp. and Mayor to force Board of Supervisors approval of Shipyard/Candlestick Plan without Environmental Impact Report" letter dated March 5, 2009. (53)

From Office of the Controller, submitting the Controller's Monthly Economic Barometer for January 2009. (54)

From Office of the Chief Medical Examiner, regarding preventive action to protect the integrity of a French and American citizen that was the victim of a homicide on June 2, 2007, in San Francisco. (Reference No. 20090127-014) (55)

From Elena Felder, urging the Board of Supervisors to release the full rainy day fund (23 million dollars) to the public schools. (56)

From Jim Meko, regarding the Western SoMa Community Plan meeting on March 12, 2009. (57)

From Juvenile Probation Department, submitting the Efficiency Plan and Performance Measures for the Juvenile Probation Department. (58)

From concerned citizens, submitting opposition to the proposed development of 110 The Embarcadero Project. File 090159, 2 letters (59)

From concerned citizen, regarding the change in the condominium conversion process for current condominium conversion lottery holders. Copy: Each Supervisor (60)

From Patrick A., submitting opposition to Recreation and Park staff cuts in San Francisco. (61)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

03-19-09A08:23 RCVD

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, March 24, 2009 2:00 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR 20 2009

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MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
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SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings. For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunión debe recibirse antes de mediodía de el viernes anterior a la reunión. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition 1 in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, public comment for this item will take place during general public comment.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 8

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 090275 [Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]
Supervisor Campos
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

3/17/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

2. 090230 [MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

3/17/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. 081504 [Massage Services in South of Market Residential/Service Mixed Use District]
Supervisors Daly, Dufty
Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/17/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 081598 [Public Works Code - Appellate body for minor sidewalk encroachments]
Supervisor Elsherd
 Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.
- 3/17/2009, PASSED ON FIRST READING.
 Question: Shall this Ordinance be FINALLY PASSED?
5. 081620 [Zoning - Ordinance amending the Planning Code to correct errors and omissions]
Supervisor Maxwell
 Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)
- 3/17/2009, PASSED ON FIRST READING.
 Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

6. 090117 [Settlement of Lawsuit - Antia Lelaind - \$175,000]
 Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for \$175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)
- 3/17/2009, PASSED ON FIRST READING.
 Question: Shall this Ordinance be FINALLY PASSED?
7. 090158 [Settlement of Lawsuit - Mark Boyd - \$85,000]
 Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- 3/17/2009, PASSED ON FIRST READING.
 Question: Shall this Ordinance be FINALLY PASSED?

8. 090172 [Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]
Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities.
(Public Utilities Commission)

3/17/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

Present Supervisors Avalos, Mirkarimi, Chu

9. 090100 [Solar Energy Incentive Program]
Supervisor Mirkarimi
Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.
- 3/17/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
3/17/2009, PASSED ON FIRST READING AS AMENDED.
Question: Shall this Ordinance be FINALLY PASSED?
10. 090140 [De-appropriating \$1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor, Supervisors Mirkarimi, Duffy
Ordinance de-appropriating \$1,000,000 of Power for Resale expenses and appropriating \$1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing \$500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5.
- 3/17/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
- Present: Supervisors Avalos, Chu, Campos, Duffy*
11. 090131 [Appropriating \$16,500,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]
Supervisor Alioto-Pier
Ordinance appropriating \$16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing \$15,000,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.
- 3/17/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
3/17/2009, PASSED ON FIRST READING AS AMENDED.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

12. 081400 [Recreation and Park Department - Water Use Efficiency and Recycled Water]
Supervisors Mirkarimi, Maxwell
Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.
(Fiscal Impact.)

3/17/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

13. 081563 [Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]
Supervisor Mirkarimi
Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.20 FTE) 9775L Senior Community Development Specialist II and one position (.20 FTE) 9770L Community Development Assistant to the Board of Supervisors (BOS).
(Fiscal Impact.)

3/17/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

14. 090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Duffy
Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to \$600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

15. 090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]
Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings.
(Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 090170 [Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]
Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance.
(Public Works Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 090171 [Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]
Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance.
(Public Works Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 090284 [Endorsing the Recommendations of the San Francisco Fair Lending Working Group]
Supervisor Maxwell
Resolution endorsing the findings and recommendations contained in the final report of the San Francisco Fair Lending Working Group.

Question: Shall this Resolution be ADOPTED?

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File No. 090349.)

19. 090351 [Committee of the Whole - Hearing on the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1]
Supervisor Avalos
Hearing to discuss the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

Action: _____

Committee Adjourn and Report Without Recommendation

20. 090348 [Creating a subcommittee of the Budget and Finance Committee - Board of Supervisors]
Supervisor Avalos
Motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

21. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

22. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee.

Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 23 through 34

23. 090239 [Adopting a proposed schedule of audits to be conducted of programs of City and County departments]
Supervisor Mirkarimi
Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/3/2009, CONTINUED. Continued to March 17, 2009

3/17/2009, CONTINUED. Continued to March 24, 2009

Question: Shall this Motion be APPROVED?

24. 090349 [Board waiver of committee reference requirement and convening as a Committee of the Whole on March 24, 2009, for purposes of considering an amendment to Board Rule 5.1, which would create a subcommittee of the Budget and Finance Committee]
Supervisors Avalos, Elsbernd
Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 24, 2009, for the purpose of considering the proposed amendment to Rule 5.1.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
25. 090350 [Board of Supervisors to sit as a Committee of the Whole - March 31, 2009]
Supervisors Maxwell, Chiu
Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
26. 090338 [International Museum of Women]
Supervisors Alioto-Pier, Chu, Maxwell, Dufty, Mar
Resolution urging the City and County of San Francisco to aid the International Museum of Women in their efforts to secure a permanent physical location in San Francisco to display their exhibitions and to educate and enrich those who visit.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
27. 090339 [Timothy Pflueger Day - March 22, 2009]
Supervisor Chiu
Resolution proclaiming March 22, 2009, to be Timothy Pflueger Day in San Francisco.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
28. 090341 [Celebrating March 2009 as American Red Cross Month]
Supervisor Dufty
Resolution celebrating March 2009 as American Red Cross Month.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

29. 090342 [Recognizing freshwater as a human right and the importance of access to safe drinking water for all]
Supervisor Duffy
Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
30. 090343 [Honoring Sandee Blechman for her thirteen years of dedicated service]
Supervisor Duffy
Resolution honoring Sandee Blechman for her thirteen years of dedicated service to the Jewish Community Center of San Francisco.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
31. 090344 [Apply for Caltrans Transportation Planning Grant]
Supervisors Maxwell, Campos
Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the California Department of Transportation (Caltrans) for the purpose of conducting a community design process for Cesar Chavez Street.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
32. 090345 [Accept - Expend Private Grant - Arts Commission - \$5,000]
Supervisor Maxwell
Resolution authorizing the Arts Commission of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$5,000 from the Cynthia Woods Mitchell Fund for Historic Interiors (a fund of the National Trust for Historic Preservation) for the Bayview Opera House Renovation and Restoration Project.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
33. 090346 [Celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution]
Supervisors Mirkarimi, Maxwell, Alioto-Pier
Resolution celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?

34. 090347 [Commending restaurants that have stopped serving foie gras]
Supervisor Mirkarimi
Resolution commending restaurants that have removed foie gras from their menus.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference

Agenda: _____

35. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED RESOLUTIONS

Proposed resolutions received from March 10, 2009 to March 16, 2009, for reference by President to appropriate committee on March 24, 2009.

- 090254 [Approving office supplies contract over \$10 million with Office Depot]
Resolution approving the award of the City's new contract for office supplies to Office Depot (Contractor) and approving the contract's not-to-exceed amount of \$17.5 million, pursuant to San Francisco Charter Section 9.118(b).
(Office of Contract Administration)
- 3/13/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 090256 [Agreement to Purchase an Access and Communication Easement in Tuolumne County]
Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of \$9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.
(Real Estate Department)

3/16/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090352 [Petitions and Communications]

Petitions and Communications received from March 10, 2009 through March 16, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 24, 2009.

From concerned citizens, submitting support for the proposed development of the 110 Embarcadero Project. File 090159, Copy: Each Supervisor, 4 letters (1)

From Marvis Phillips, submitting opposition to the proposed development of the 110 Embarcadero Project. File 090159, Copy: Each Supervisor (2)

From Department of Public Works, submitting report on the use of funds appropriated from the Local Street and Road Improvement, Congestion Relief and Traffic Safety Account of 2006. (3)

From Ria Tajbl, submitting support for restoring Sharp Park. (4)

From Ferguson Family, submitting opposition to the proposed closure of Park Branch Library. (5)

From Patricia Campbell, submitting opposition to renaming Third Street after Willie Brown. (6)

From Jane Bliss, submitting support for full funding of the Neighborhood Emergency Rescue Team (NERT) program. (7)

From Terrie Frye, commenting on the gravel that replaced the Victory Garden in Civic Center. Copy: Each Supervisor (8)

From concerned citizens, submitting opposition to cutting Recreation and Park directors from the latchkey and playground programs. 2 letters (9)

From concerned citizens, commenting on the management at the San Francisco Zoo. 2 letters (10)

From Kimo Crossman, regarding the free Wi-Fi network at the public library. (11)

From Kimo Crossman, commenting that the Prop G calendar in San Francisco requires an extremely large amount of detail including any meeting even if solely personal in City Hall, including phone calls or text message conversations. (12)

From Bernard Choden, commenting that development should not exceed the city's holding capacity for infrastructure or services as measured by law and best practices for health, safety and welfare. (13)

From Ahimsa Sumchai, proposing a boycott of the SF Chronicles role in alleged concealment and complicity in violation of State and local Ethics, open government and environmental laws. (14)

From Ahimsa Sumchai, commenting on the six members of the Board of Supervisors that went to Washington D.C. (15)

From Aline Dinoia, commenting that San Francisco City Attorney Herrera spent most of his time last year on fighting Proposition 8 at taxpayer expense. (16)

From Police Department, responding to request for information regarding cultural competency training in the Police Department. (Reference No. 20090210-006) Copy: Supervisor Campos (17)

From Police Department, responding to request for information regarding the death of Mr. Hugues de la Plaza in San Francisco on June 2, 2007. (18)

From Parkmerced Residents' Organization, submitting support for proposed resolution regarding a street encroachment at 19th Avenue and Crespi Drive. File 090252, Copy: Each Supervisor, 2 letters (19)

From Office of the Controller-City Services Auditor, submitting report on the compliance audit of China Cargo Airlines Ltd. (20)

From Office of the Controller-City Services Auditor, submitting copy of report presented to the Mayor and Board of Supervisors on March 16, 2009. (21)

From Public Utilities Commission, submitting the GoSolarSF status report, which provides an update on the first six months of the solar energy incentive program, and serves as the status report required in the solar energy incentive ordinance. (22)

From Residential Rent Stabilization and Arbitration Board, submitting the annual report on eviction notices. (23)

From the Film Commission, submitting the San Francisco Film Production Rebate Program Report for April 2006 through February 2009. (24)

From Office of Civic Engagement and Immigrant Affairs, submitting resolution requesting the Mayor and Board of Supervisors to "urge the United States Congress and President Obama to pass the Uniting American Families Act and support the removal of legal barriers to immigration by permanent same-sex partners." (25)

From Office of the Controller, submitting a cost analysis of Amendment #1 to the MOU between the City and County of San Francisco and Teamsters, Local 856, Supervising Registered Nurses, Unit 11.B. File 090230, Copy: Each Supervisor (26)

From Capital Planning Committee, submitting resolution adopting the City's draft ten-year capital expenditure plan for fiscal years 2010-2019. Copy: Each Supervisor (27)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Star Machine and Tool Company. (28)

From Office of the Controller, submitting notice that the budget for fiscal year 2009-2010 is now available in the budget system for the Mayor's Office review and consideration. (29)

From Ahimsa Sumchai, commenting on the reinvestigation of toxic dust exposure at the Lennar Development Site in Hunters Point. (30)

From concerned citizens, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. Approximately 27 letters (31)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (32)

Gabriel Cabrera (Annual)

Dawn Duran (Annual)

Chris Rustom (Annual)

Nicholas Goldman (Annual)

Doyle Johnson (Annual)

Stanton Jones (Annual)

John Avalos (LAFCo-Assuming)

David Campos (LAFCo-Assuming)

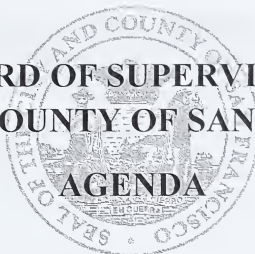
Eric L. Mar (LAFCo-Assuming)

Chris Daly (LAFCo-Leaving)

ADJOURNMENT



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO



AGENDA

03-27-09A08145 REV0

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, March 31, 2009 2:00 PM
Regular Meeting

GOVERNMENT
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MAR 27 2009

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CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the February 24, 2009, and March 3, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 12

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

1. 090262 [Lease of Real Property at 520 Jones Street]
Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco.
(Real Estate Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Daly

2. 090198 [Accept and Expend Federal Grant Funds - San Francisco Fire Department - \$297,030]
Supervisor Duffy
Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of \$297,030 from the Federal Emergency Management Agency (FEMA) to develop and implement an Advanced Driver Training Program for its uniformed employees.
(Fire Department)

Question: Shall this Resolution be ADOPTED?

3. 090280 [Accept and Expend State Grant Funds - S.F. Recreation and Park Department - \$157,000]
Supervisor Duffy
Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of \$157,000 for the Glen Canyon Islais Creek Restoration Project.

Question: Shall this Resolution be ADOPTED?

4. 090282 [Accept and Expend Federal Grant Funds - Department of Public Works - \$1,475,675]
Supervisor Elsbernd
Resolution authorizing the Department of Public Works to retroactively accept and expend a grant in the amount of \$1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

Question: Shall this Resolution be ADOPTED?

5. 090283 [Accept and Expend Department of Energy 700 Pennsylvania Avenue Grant Funds - \$610,080]
Supervisor Maxwell
Resolution authorizing the San Francisco Public Utilities Commission (SFPUC) to accept and expend a grant in the amount of \$610,080 from the U.S. Department of Energy through the Consolidated Appropriations Act of 2008 under the Energy Policy Act of 2005 (P.L. 109-58) for the Muni Ways & Structures Building (700 Pennsylvania Avenue) Solar Evaluation Project.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present Supervisors Maxwell, Mar, Chiu

6. 090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]
Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings.
(Planning Department)

3/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. 090170 [Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]
Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance.
(Public Works Department)

3/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 090171 [Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]
Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance.
(Public Works Department)

3/24/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

9. 090212 [Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.] Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 090261 [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.] Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No.CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. 090303 [Appointment, Child Care Planning and Advisory Council - Maria Luz Torre] Motion appointing Maria Luz Torre, term ending December 31, 2010, to the Child Care Planning and Advisory Council.

Question: Shall this Motion be APPROVED?

12. 090304 [Appointment, Voting Systems Task Force - James Soper] Motion appointing James Soper, term to be determined, to the Voting Systems Task Force, residency requirement waived.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

13. 090340 [Adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero]
Motion adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero.
(Clerk of the Board)

3/24/2009, REFERRED to Board of Supervisors

Question: Shall this Motion be APPROVED?

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Markarimi, Chu, Campos, Duffy

14. 090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Duffy
Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to \$600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.
(Fiscal Impact)

3/24/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

3/24/2009, PASSED ON FIRST READING AS AMENDED

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

15. 081400 [Recreation and Park Department - Water Use Efficiency and Recycled Water]
Supervisors Mirkarimi, Maxwell, Campos, Mar
Ordinance making environmental findings and amending San Francisco Park Code Article 3 by
adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency
and to use Recycled Water where available for Park irrigation needs.
(Fiscal Impact.)

3/17/2009, PASSED ON FIRST READING.

3/24/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisors Campos and Mar
requested to be added as a co-sponsors.

3/24/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

16. 090281 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Alameda Siphon No. 4 Project]
Supervisor Elsbernd
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of the Alameda Siphon No. 4 Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Daly

17. 081330 [Adopting the United Nations Convention on the Rights of the Child]
Supervisors Alioto-Pier, Campos
Resolution urging the Board of Supervisors to adopt the United Nations Convention on the Rights of the Child and supporting its inalienable freedoms for children and youth in San Francisco.

3/3/2009, AMENDED. Supervisor Campos requested to be added as a co-sponsor.

3/3/2009, RE-REFERRED to City Operations and Neighborhood Services Committee. Rereferred as amended.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Duffy, Mirkarimi

18. 081526 [Requesting Establishment of a Do Not Mail Registry]
Supervisors Mirkarimi, Duffy, Campos
Resolution urging both the California State Legislature and United States Congress to establish a Do Not Mail Registry.

12/9/2008, CONTINUED. Continued to December 16, 2008.

12/16/2008, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Campos requested to be added as a co-sponsor.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

19. 090178 [Zoning Map Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd
Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.
(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 090180 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd
Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.
(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 090181 [Planning Code amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd
Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 090179 [Balboa Park Station Area Plan - monitoring program]
Supervisors Avalos, Elsbernd
Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.
(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. 090182 [Federal Economic Recovery Support for Balboa Park Station Area Plan]
Supervisor Avalos
Resolution urging city departments to set the Balboa Park Station Area Plan as an identified priority when seeking Federal Economic Stimulus funding, and to work with San Francisco's Congressional delegation to ensure, to the extent possible, that Federal Economic Recovery legislation includes funding for the Balboa Park Station Area Plan.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

24. 090153 [Appointment, Police Commission - Vincent Pan]
Motion confirming the Rules Committee's nomination of, and appointing, Vincent Pan, term ending April 30, 2010, to the San Francisco Police Commission.
25. 090259 [Reappointment, Municipal Transportation Agency Board of Directors - Tom Nolan]
Motion confirming the Mayor's reappointment of Tom Nolan to the Municipal Transportation Agency Board of Directors, term ending March 1, 2013.
(Mayor)
26. 090302 [Appointment, Golden Gate Bridge, Highway and Transportation District - Richard Grosboll]
Motion appointing Richard Grosboll, term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

Question: Shall this Motion be APPROVED?

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File No. 090350.)

(The President may entertain a motion to continue this matter.)

27. 090316 [Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]
Supervisors Maxwell, Chiu
Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

Action: _____

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

28. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

29. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

CLOSED SESSION

30. 090382 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]
Supervisor Chiu
Motion that the Board of Supervisors convene in closed session on March 31, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 31 through 40

31. 090350 [Board of Supervisors to sit as a Committee of the Whole - March 31, 2009]
Supervisors Maxwell, Chiu
Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/24/2009, CONTINUED. Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

Question: Shall this Motion be APPROVED?

32. 090371 [Rebuild of St. Luke's Hospital - Evaluation of temporary hospital structure]
Supervisors Alioto-Pier, Maxwell
Resolution urging the California Pacific Medical Center to evaluate the concept of building a temporary hospital while constructing the rebuild of St. Luke's Hospital.
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
33. 090372 [Rebuild of St. Luke's Hospital]
Supervisors Alioto-Pier, Maxwell
Resolution urging the Planning Department and the Historic Preservation Commission to evaluate the historic integrity of the 1912 building on the St. Luke's campus and to determine whether or not the 1912 building might be a historic resource under the California Environmental Quality Act.
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
34. 090373 [Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]
Supervisors Avalos, Mirkarimi
Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
35. 090374 [National Start! Walking Day - April 8, 2009]
Supervisor Chiu
Resolution proclaiming April 8, 2009, as "National Start! Walking Day" in San Francisco.
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
36. 090375 [Supporting Assembly Bill 1000, paid sick day legislation]
Supervisor Daly
Resolution declaring support of Assembly Bill 1000 (Ma) that would provide California workers with earned paid sick days.
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

37. 090376 [Accept and Expend Grant - Juvenile Probation Department - \$25,000]
Supervisor Elsbernd
Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of \$25,000 from the Annie E. Casey Foundation for continuing support of the juvenile justice reform activities at the Juvenile Probation Department.

3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
38. 090377 [Urging the Board of Supervisors to endorse and support the event "SF Youth Unity", a youth environmental summit and green block party]
Supervisor Elsbernd
Resolution urging the Board of Supervisors to endorse and support the event "SF Youth Unity", a youth environmental summit and green block party.

3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
39. 090378 [Supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act]
Supervisors Mar, Maxwell
Resolution supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act.

3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
40. 090379 [Rescheduling the April 7, 2009 Board meeting to 10:00 am]
Supervisor Chiu
Motion rescheduling the April 7, 2009 regular meeting of the Board of Supervisors to begin at 10:00 am in the Board Chamber in City Hall on that day.

3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

41. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from March 17, 2009 to March 23, 2009, for reference by President to appropriate committee on March 31, 2009.

090354 [Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - \$604,354]

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for \$604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act.
(City Attorney)

3/17/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from March 17, 2009 to March 23, 2009, for reference by President to appropriate committee on March 31, 2009.

090355 [Airport Commission's Declaration of Emergency Contract Pursuant to Sec. 6.60 of the San Francisco Administrative Code]

Resolution concurring with the Airport Commission's Declaration of Emergency in response to the boiler failures at the Airport and approving a contract between the Airport Commission and Ghiloti Brothers for the purchase of two new boilers.
(Airport Commission)

3/18/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090356 [Agreement to Sell the Dolores Hotel Located at 35-37 Woodward Street]

Resolution approving and authorizing the execution and performance of an Agreement For Sale of Real Estate relating to the property commonly known as the Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and the Director of the Mayor's Office of Housing to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.

(Real Estate Department)

3/19/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090398 [Petitions and Communications]

Petitions and Communications received from March 17, 2009 through March 23, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 31, 2009.

From Library Commission, submitting resolution urging the Board of Supervisors not to submit proposed ballot measure that would amend the Charter to set a dollar cap on the Library Preservation Fund set-aside. Copy: Each Supervisor, Rules Clerk (1)

From Library Commission, submitting resolution urging the Board of Supervisors, to authorize the Library Commission to establish a two-week fee amnesty program in 2009 for overdue library materials. Copy: Each Supervisor, Rules Clerk (2)

From Planning Department, submitting notice soliciting community leaders to participate in developing the City's plan for housing. Copy: Each Supervisor (3)

From Arthur Evans, commenting on the Board of Supervisors suspending their own rules to pass a resolution to replace U.S. Attorney for Northern California, Joseph Russoniello. (4)

From Ozumo Restaurant, submitting support for the proposed development of the 110 Embarcadero Project. File 090159, Copy: Each Supervisor (5)

From S.F. Tomorrow, submitting opposition to the proposed development of the 110 Embarcadero Project. File 090159 (6)

From concerned citizens, submitting support for restoring Sharp Park. File 090329, Approximately 30 letters (7)

From concerned citizens, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. 5 letters (8)

From Sue Cauthen, regarding the Board of Supervisors Library Citizens Advisory Committee. (9)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (10)

Ohn Myint (COB-Annual)

Michael Bell (LAFCo-Annual)

Douglas Comstock (SOTF-Leaving)

Debra Newman (Budget Analyst-Annual)

Chris Daly (Supervisor-Annual)

Erasmus Vazquez (COB-Annual)

From D. Miles Jr., suggesting roller-skating and inline skating as a physical fitness tool to get youth in shape at public schools and recreation centers. (11)

From Upper Noe Neighbors, submitting support for the 30th Street Senior Center's meals program. Copy: Each Supervisor (12)

From Shirley Stucky, urging the Board of Supervisors not to eliminate the 3 Jackson bus line. (13)

From Lighthouse for the Blind and Visually Impaired, notifying the Board that a Board of Directors meeting of the Lighthouse for the Blind and Visually Impaired will meet on April 23, 2009 at 214 Van Ness Avenue. (14)

From Rick Phipps, submitting support for a variance by the Alternative to Meds Center at 827 Guerrero Street. (15)

From Fire Department, submitting notice of a fire and life safety inspection at San Bruno Jail #5 west & east, per the mandate of Section 13146.1, California Health and Safety Code. (16)

From concerned citizens, submitting opposition to the proposed closure of Park Branch Library. 2 letters (17)

From Equitable Quality Universal Affordable Health, submitting support for strengthening and expanding existing public health programs as the building block to achieving health reform that control costs and improves the public's health. File 090291 (18)

From Douglas Millar, regarding various topics. (19)

From Francisco Da Costa, regarding students and youth impacted by San Francisco City politics. (20)

From Office of Citizen Complaints, submitting the 2007 Annual Statistical Report. (21)

From Office of Citizen Complaints, submitting the 2008 Annual Statistical Report. (22)

From Hanson Bridgett LLP, submitting motion to dismiss the application of Red and White Ferries, Inc. (23)

From Hanson Bridgett LLP, submitting motion to strike reply of applicant Red and White Ferries, Inc. (24)

From Hanson Bridgett LLP, submitting first amendment to protest of Golden Gate Bridge, Highway and Transportation District to Application No. No. A 0901016. (25)

From Hanson Bridgett LLP, submitting declaration of James Swindler in support of motion to dismiss application of Red and White Ferries, Inc. (26)

From Law Offices of Daniel Reidy and Hanson Bridgett LLP, submitting joint notice of Ex Parte Communication regarding Red and White Ferries. (27)

From Law Offices of Daniel Reidy, submitting joinder in motion of protestant Golden Gate Bridge, Highway and Transportation District to dismiss the application of Red and White Ferries, Inc. (28)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

04-02-09P04:43 RCVD

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, April 7, 2009 10:00 AM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

APR - 2 2009

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrns_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 6

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chu

1. 090178 [Zoning Map Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd
Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.
(Economic Impact)

3/31/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. **090180** **[Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]**
Supervisors Avalos, Elsbernd
Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.
(Economic Impact)

3/31/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. **090181** **[Planning Code amendments in connection with the Balboa Park Station Area Plan]**
Supervisors Avalos, Elsbernd
Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
(Economic Impact)

3/31/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. **090179** **[Balboa Park Station Area Plan - monitoring program]**
Supervisors Avalos, Elsbernd
Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.
(Economic Impact)

3/31/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

5. 090212 [Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.] Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212.
(City Attorney)

3/31/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. 090261 [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.] Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No. CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office.
(City Attorney)

3/31/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly

7. 090280 [Accept and Expend State Grant Funds - S.F. Recreation and Park Department - \$157,000]
 Supervisor Dufty
 Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a
 Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation
 in the amount of \$157,000 for the Glen Canyon Islais Creek Restoration Project.

3/31/2009, CONTINUED. Continued to April 7, 2009.

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

8. 090296 [Ten Year Capital Expenditure Plan - FY 2010-2019]
Mayor, Supervisor Chiu
Resolution adopting the City's ten year capital expenditure plan for fiscal years 2010-2019.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

9. 090332 [Public Employment - San Francisco Employees' Retirement System]
Mayor, Supervisor Elsbernd
Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.19) and the deletion of one position: 0964 Department Head IV (FTE 0.19) at the San Francisco Employees' Retirement System.

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 090336 [Appropriating \$4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]
Mayor
Ordinance appropriating \$3,181,333 of State mandated cost reimbursement revenue, \$79,597 of county candidate filing fee revenue, and \$951,017 of General Fund Reserve, for a total appropriation of \$4,211,947, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. 090330 [Issuance and Sale of Revenue Bonds - Westmont College - \$122,500,000]
Supervisor Mirkarimi
Resolution approving the issuance and sale of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$122,500,000 to finance educational facilities owned and operated by the Westmont College.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

12. 081093 [Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board"]
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board."

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

13. 081249 [Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]
Supervisor Daly
Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 090203 [Zoning Map Amendment - 401 - 421 Shields Street]
Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

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SPECIAL ORDER 4:00 P.M.**APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 p.m. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4 p.m.:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4 p.m.

The President may entertain a motion to continue the following File Nos. 090109, 0901110, 090111, 090112.

The Appellant and Project Sponsor have requested a continuance for property located at 717 Battery Street/350 Pacific Avenue.

15. 090109 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**
- Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)
- (Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

3/3/2009, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members.

Continued to April 7, 2009

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

16. 090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]
Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

3/3/2009, CONTINUED. Continued to April 7, 2009
Question: Shall this Motion be APPROVED?
17. 090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]
Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

3/3/2009, CONTINUED. Continued to April 7, 2009
Question: Shall this Motion be APPROVED?
18. 090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

3/3/2009, CONTINUED. Continued to April 7, 2009
Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

The President may entertain a motion to table the following File Nos. 090264, 090265, 090266, 090267.

The Planning Department has withdrawn the Categorical Exemption issued for property located at 429 Amador Street (Pier 92).

19. 090264 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 429 Amador Street (Pier 92)]
- Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated September 8, 2008, that a project at 429 Amador Street (Pier 92) (Case No. 2008.1052E) is exempt from environmental review under Categorical Exemption, Class I [State CEQA Guidelines Section 15301(e)(2)]. The proposal would add a biodiesel operation to Darling International's existing facility that renders vegetable oils, fats and greases. The project site (Assessor's Block 4502A, Lot 002) is within the M-2 (Heavy Industrial) Zoning District and is within a 40-X Height and Bulk District. (Appellant: Deborah Behles, Kenneth Blackwood, and Cheryl Tang on behalf of Bayview Hunters Point Community Advocates.)
- (Filed February 25, 2009; Companion to Files 090265, 090266, 090267; District 10.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

20. 090265 [Affirming the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]
Motion affirming the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.
- Question: Shall this Motion be APPROVED?
21. 090266 [Disapproving the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]
Motion disapproving the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.
- Question: Shall this Motion be APPROVED?

22. 090267 [Preparation of findings related to the 429 Amador Street (Pier 92) project]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 429 Amador Street (Pier 92) is exempt from environmental review under the California Environmental Quality Act.

Question: Shall this Motion be APPROVED?

23. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

24. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 25 through 34

25. 090373 [Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]
Supervisors Avalos, Mirkarimi, Mar, Campos
Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
3/31/2009, CONTINUED. Continued to April 7, 2009
Supervisor Mar and Campos requested to be added as a co-sponsors.
Question: Shall this Resolution be ADOPTED?
26. 090408 [Supporting the Clean Air for Children, Seniors, and Working Families Act]
Supervisor Alioto-Pier
Resolution urging the City and County of San Francisco to support Assembly Bill 622, the Clean Air for Children, Seniors, and Working Families Act.
- 3/31/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

27. 090409 **[Child Care Provider Recognition Day - April 26, 2009]**
Supervisor Avalos
Resolution declaring April 26, 2009, to be San Francisco Child Care Provider Recognition Day.
- 3/31/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
28. 090410 **[Employee Free Choice Act]**
Supervisor Avalos
Resolution affirming support for House Resolution 1409, the Employee Free Choice Act, and urging the United States Congress to pass the Employee Free Choice Act and protect and preserve, for America's workers, the freedom to choose for themselves whether and how to form a union to bargain for a better life.
- 3/31/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
29. 090411 **[Mary Risley and Tante Marie Day - April 26, 2009]**
Supervisor Chiu
Resolution proclaiming April 26, 2009, as "Mary Risley and Tante Marie Day" in San Francisco.
- 3/31/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
30. 090412 **[Repeal Defense of Marriage Act]**
Supervisors Chiu, Dufty, Campos, Mirkarimi
Resolution urging our California Congressional delegation to lead the fight to repeal the Federal "Defense of Marriage Act."
- 3/31/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
31. 090413 **[Donate Life Month - April]**
Supervisor Chu
Resolution supporting April as Donate Life Month and urging all San Franciscans to participate in the Donate Life California Donor Drive.
- 3/31/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

32. 090414 [Commending Zürich Mayor-Elect Corine Mauch]
Supervisor Duffy
Resolution honoring Corine Mauch on her historic election as the first woman and openly gay Mayor of the City of Zürich, Switzerland.
- 3/31/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
33. 090357 [Final Map - 4800 3rd Street]
Motion approving Final Map 5140, an 18 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 4800 3rd Street being a subdivision of Lot 045 in Assessors Block No. 5322 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,089; District 10.)
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
34. 090358 [Final Map - 4441 and 4445 Mission Street]
Motion approving Final Map 5324, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4441 and 4445 Mission Street being a subdivision of Lots 023A and 024 in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)
(DPW Order 178,097; District 11.)
- 3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

35. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from March 24, 2009 to March 30, 2009, for reference by President to appropriate committee on April 7, 2009.
There were none.

PROPOSED RESOLUTIONS

Proposed resolutions received from March 24, 2009 to March 30, 2009, for reference by President to appropriate committee on April 7, 2009.
There were none.

090431 [Petitions and Communications]

Petitions and Communications received from March 24, 2009 through March 30, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 7, 2009.

From concerned citizens, urging the Board of Supervisors not to eliminate the Homeless Prevention Rental Assistant Coordinator's position. 2 letters (1)

From Mayor's Office of Criminal Justice, regarding request for a report prepared by the French Commission Rogatoire. (Reference No. 20090127-015) (2)

From Aaron Goodman, commenting on a news article by Ken Garcia (SF Examiner) regarding ultra-green buildings. (3)

From concerned citizens, submitting support for proposed legislation amending Administrative Code Section 57.8 regarding the "Scene in San Francisco" Rebate Program. File 090024, 2 letters (4)

From Pat Missud, commenting on the dangerous intersection at Alemany and San Juan Avenue. (5)

From Planning Department, responding to inquiry as to the status of enforcement actions on the development at 1250 Missouri Street. (Reference No. 20090203) (6)

From Department of Public Works, regarding status of removing graffiti from utility poles at various locations in District 5. (Reference No. 20090224-005) (7)

From Ivan Pratt, regarding preparing for community emergencies. (8)

From Patrick Monette-Shaw, regarding loss of skilled nursing beds and other hospital beds in San Francisco. (9)

From Francisco Da Costa, regarding the stimulus plan and future plans and jobs in San Francisco. (10)

From Francisco Da Costa, urging total removal of radiological contaminants on Parcel E2 on Hunters Point Naval Shipyard. (11)

From Joyce Ida Hammond, commenting on the warning signs "All areas of this dealership contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm" at the Honda Dealership at South Van Ness and Market Street. (12)

From Chi Shing Cheung, S.F. letter carrier, submitting opposition to the "Do Not Mail Registry" legislation. File 081526 (13)

From State Fish and Game Commission, regarding proposal to amend Section 124, Title 14, California Code of Regulations, relating to commercial halibut trawl fishing. (14)

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under the Treasurer's management. (15)

From Law Offices of Daniel Reidy, submitting motion of Blue and Gold Fleet, to become a party in complaint of Red and White Ferries, Inc. requesting determination of "reasonable compensation and reasonable terms and conditions" for use of ferry dock in Sausalito and in related motion to shorten time for defendant to answer complaint. (16)

From SF Homeless Yahoo Group, regarding J.P. Morgan EFS and the Kroger Food Store illegally taxing food stamps. (17)

From Martin McNerney Properties, submitting a grant application for the Transit-Oriented Development Housing Program for project located at 2235 Third Street. Copy: Each Supervisor (18)

From Martin McNerney Properties, submitting a grant application for the Transit-Oriented Development Housing Program for project located at 178 Townsend Street. Copy: Each Supervisor (19)

From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation and sustainable land use. File 090329, 1,748 letters (20)

From Christian Holmer, submitting a sample of Proposition G calendars from Ed Harrington, General Manager, Public Utilities Commission; Ben Rosenfeld, Controller and sample of a Sunshine audit submission from the City Attorney. (21)

From Department of Public Works, regarding status of removing graffiti from garbage cans in District 5. (Reference No. 20090224-002) (22)

From Department of Public Works, regarding status of removing graffiti from public property at various locations in District 5. (Reference No. 20090224-007) (23)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Safetran Systems Corporation. (24)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Alstom Signaling, Inc. (25)

From Ahimsa Porter Sumchai, submitting letter entitled "The Chicken or The Egg" dated March 31, 2009. (26)

From Joseph Cadiz, regarding San Francisco Sanctuary Ordinance. (27)

From Francisco Da Costa, commenting on Mayor Newsom. (28)

From Ahimsa Porter Sumchai, regarding public records request from Supervisor Maxwell. (29)

From Jim Meko, regarding the Western SoMa Community Plan meeting on March 25, 2009. (30)

From Controller, Mayor's Office and Board of Supervisors' Budget Analyst, submitting joint report on the three-year budget projection for general fund supported operations, fiscal year 2009-2010 through 2011-2012. (31)

From concerned parents, concerning budget cuts to schools, after school programs, playgrounds and parks. (32)

From Joyce Cukelhaupt, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. (33)

From SF Homeless Yahoo Group, submitting letter entitled "websites on homeless residents filing suits against bad cities" dated March 23, 2009. (34)

From State Fish and Game Commission, regarding proposed regulatory action relating to incidental take of pacific fisher during candidacy period. (35)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, April 14, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

04-10-09A00:22 NEWS

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufras

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings. For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunión debe recibirse antes de mediodía de el viernes anterior a la reunión. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the March 17, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 9

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 090332 [Public Employment - San Francisco Employees' Retirement System]
Mayor, Supervisor Elsbernd

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.19) and the deletion of one position: 0964 Department Head IV (FTE 0.19) at the San Francisco Employees' Retirement System.

4/7/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. 090336 [Appropriating \$4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]
Mayor
Ordinance appropriating \$3,181,333 of State mandated cost reimbursement revenue, \$79,597 of county candidate filing fee revenue, and \$951,017 of General Fund Reserve, for a total appropriation of \$4,211,947, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.
(Fiscal Impact.)

4/7/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Avalos, Chu

3. 090380 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 (ARRA)]
Mayor, Supervisors Elsbernd, Chiu, Chu
Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend Federal grant funds.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Mirkarimi, Chu

4. 090324 [Accept and Expend Grant - U.S. Transportation Security Administration - \$15,800,000]
Supervisors Elsbernd, Chu
Resolution authorizing the Airport to retroactively negotiate and execute an Other Transaction Agreement from the Transportation Security Administration for the Terminal 2 In-Line Explosives Detection System Matrix, in the amount not to exceed \$15,800,000, and accept and expend Federal funds.
(Fiscal Impact.)

3/31/2009, SUBSTITUTED. Supervisor Elsbernd submitted a substitute resolution bearing new title.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chu

5. 081249 [Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]
Supervisor Daly
Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

4/7/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. 090203 [Zoning Map Amendment - 401 - 421 Shields Street]
Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

4/7/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

7. 090300 [Appointment, Bay Area Library and Information System Advisory Board - Anne Wintroub]
Motion appointing Anne Wintroub, term ending June 30, 2010, to the Bay Area Library and Information System Advisory Board.
8. 090390 [Appointments, In-Home Supportive Services Public Authority - Mike Boyd, Gustavo Serina and Luis Calderon]
Motion appointing Mike Boyd, term ending March 1, 2011, Gustavo Serina and Luis Calderon, terms ending on March 1, 2012, to the In-Home Supportive Services Public Authority.

Question: Shall this Motion be APPROVED?

Question: Shall this Motion be APPROVED?

9. 090391 [Appointments, Commission on Aging Advisory Council - Ken Prag and Sharon Eberhardt]
Motion appointing Ken Prag, term ending March 31, 2010, and Sharon Eberhardt, term ending March 31, 2011, to the Commission on Aging and Advisory Council.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

10. 090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Duffy
Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to \$600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

3/24/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

3/24/2009, PASSED ON FIRST READING AS AMENDED.

3/31/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

3/31/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

Present Supervisors Avalos, Mirkarimi, Chu

11. 090130 [Health Care Accountability Components]
Supervisor Alioto-Pier
Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
12. 090260 [2009 Annual Fundraising Drive]
Resolution designating those agencies qualified to participate in the 2009 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.
- Question: Shall this Resolution be ADOPTED?
13. 090337 [Library Fee Amnesty Program]
Mayor, Supervisors Chiu, Mirkarimi
Resolution authorizing the Library Commission to establish a fee amnesty program for overdue Library materials to take place during a two-week period in May 2009, pursuant to Section 8.21-3 of the San Francisco Administrative Code.
- Question: Shall this Resolution be ADOPTED?
14. 090251 [Approve SFPUC Sunol Valley Construction Management Contract]
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-915R, Sunol Valley Regional Construction Management Services, with CH2MHill, for an amount not to exceed \$16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Daly, Alioto-Pier

15. 090249 [Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]
Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Duffy, Chiu
Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

3/3/2009, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Chiu requested to be added as a co-sponsor.

Supervisor Mirkarimi requested that this matter be referred to Committee.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

16. 090199 [Conflict of Interest Code Amendments]
Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.
(Clerk of the Board)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 090236 [Appointment, Historical Preservation Commission - Diane Matsuda]
Motion approving the Mayor's nomination for appointment of Diane Matsuda to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090237. Transmittal date – February 24, 2009.)

Question: Shall this Motion be APPROVED?

18. 090396 [Appointment, California State Association of Counties - Supervisor John Avalos]
Motion appointing Supervisor John Avalos, term ending November 28, 2009, as an alternate member to the California State Association of Counties Board of Directors.

Question: Shall this Motion be APPROVED?

Present: Supervisors Daly, Chu

19. 090397 [Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]

Motion appointing Supervisor David Campos, term ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Question: Shall this Motion be APPROVED?

CALLED FROM RULES COMMITTEE - PURSUANT TO RULE 5.31.1

20. 090433 [Appointment, Golden Gate Bridge, Highway and Transportation District]

Motion to consider appointing one member, seat 2, public at large, for term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

1 Applicant - Larry Mazzola, Jr.

4/7/2009, CALLED FROM COMMITTEE. Pursuant to Rule 5.31.1, Supervisors Elsbernd, Michela Alioto-Pier, Bevan Dufty, and Carmen Chu called this measure from Rules Committee.

Question: Shall this Motion be APPROVED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

21. 081560 [India Basin Industrial Park Zoning Map Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/3/2009, PASSED ON FIRST READING.

3/17/2009, RE-REFERRED to Land Use and Economic Development Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 081561 [India Basin Industrial Park, Planning Code Text Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/3/2009, PASSED ON FIRST READING.

3/17/2009, RE-REFERRED to Land Use and Economic Development Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Maxwell, Chiu

23. 090252 [Street Encroachment at 3711-19th Avenue and Crespi Drive]

Supervisor Elsbernd

Resolution granting revocable permission to Parkmerced Investors Properties LLC, to occupy portions of the public right-of-way to construct, realign, and maintain an existing paved curb islands to improve pedestrian accessibility and vehicular traffic circulation and safety, resurface portions of Crespi Drive with new Bomanite stamped concrete paving and install three (3) decorative columns at the entry way to Crespi Drive public right-of-way, between 19th Avenue and Serrano Drive, to enhance the Property at 3711-19th Avenue (Assessor's Blocks 7315, 7316, 7320), conditioned upon the payment of an annual assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole**

24. 090446 [Hearing - Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]
Hearing of persons interested in or objecting to proposed ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

Action: _____

Committee of the Whole Adjourn and Report Without Recommendation**Recommendations of the Land Use and Economic Development Committee**

Present: Supervisors Maxwell, Mar, Chiu

25. 090222 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]
Mayor, Supervisor Maxwell
Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.
(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. 090224 [Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]
Supervisor Maxwell
- Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

27. 090223 [Schlage Lock/Visitacion Valley Special Use District]
Supervisor Maxwell
- Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.
- (Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

28. 090202 [Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]
Supervisor Maxwell
- Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.
- (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

29. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

30. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

31. 090445 [Office of the Legislative Analyst Request - Owner Move In Evictions] Supervisor Mar

Motion requesting the Legislative Analyst to research and obtain information on families with children who are evicted each year through the Owner Move In (OMI) eviction process; to work with all family service providers, eviction defense groups, landlord or apartment associations, and tenant groups to obtain data, hard numbers or anecdotal, that lend information to how many families face OMI evictions each year. We would also like to know how many families are threatened by OMI eviction and take relocation monies without reporting these evictions to the San Francisco Rent Board.

Question: Shall this Motion be APPROVED?

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 32 through 41

32. 090425 [Condolences to the people of Italy and those affected by the L'Aquila earthquake]
Supervisor Alioto-Pier
Resolution extending condolences and greatest sympathy to the people of Italy and those affected by the L'Aquila earthquake.
- 4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
33. 090426 [Commending Dwayne Kinner]
Supervisor Avalos
Resolution commending and thanking Dwayne Kinner on the occasion of the 20th Anniversary of the Workers' Children's Fund Softball Tournament and for his hard work towards and dedication to enriching the lives of San Francisco's foster children.
- 4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
34. 090427 [Solidarity with the workers of Hyatt Fisherman's Wharf and HEI Le Meridien Hotel]
Supervisors Chiu, Avalos
Resolution urging Hyatt Fisherman's Wharf and HEI Le Meridien Hotel to allow its workers to choose, free from delay and intimidation, whether to have a union through a card-check neutrality agreement.
- 4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
35. 090428 [Condemning the persecution and murders of Lesbian Gay Bisexual Transgender (LGBT) Iraqi Citizens]
Supervisors Dufty, Campos, Avalos
Resolution calling on the U.S. Department of State to use all diplomatic channels to work with the Iraqi Government to stop the persecution of Iraqi Lesbian Gay Bisexual Transgender (LGBT) citizens and immediately stop the murders of Iraqi LGBT citizens.
- 4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

36. 090429 [Urging Federal authorities to approve the citizenship of Shirley Tan and pass the Uniting American Families Act]
Supervisors Duffy, Campos
Resolution urging Federal authorities to remove obstacles to United Citizenship for Shirley Tan, and urging the passage of the Uniting American Families Act (UAFB, H.R. 1024, S. 424).

4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
37. 090442 [Armenian Genocide Commemoration Day]
Supervisors Elsbernd, Campos, Duffy, Mirkarimi, Alioto-Pier, Daly, Avalos, Chu, Chiu, Mar, Maxwell
Resolution declaring April 24, 2009, as Armenian Genocide Commemoration Day in San Francisco.

4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
38. 090443 [Motion establishing Budget Analyst's 2009-2010 schedule of audits]
Supervisor Mirkarimi
Motion repealing Motion No. 09-55 and adopting a new schedule of audits to be conducted of programs of City and County departments.

4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
39. 090444 [Supporting Assembly Bill 324, the Elder Economic Dignity Act of 2009]
Supervisor Mirkarimi
Resolution supporting the California State Assembly Bill 324, the Elder Economic Dignity Act of 2009 .

4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
40. 090448 [Supporting Assembly Bill 560, Net Metering]
Supervisor Mirkarimi
Resolution supporting Assembly Bill 560 that would raise the cap on net metering, and possibly eliminate the cap entirely.

4/7/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

41. 090389 [Final Map - 2200, 2208 Mission Street and 3417-18th Street]

Motion approving Final Map 4197, a 23 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 2200, 2208 Mission Street and 3417-18th Street being a subdivision of Lot 001 in Assessors Block No. 3589 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,010; District 9.)

4/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference

Agenda: _____

42. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from March 31, 2009, to April 6, 2009, for reference by President to appropriate committee on April 14, 2009.

- 090385 [Settlement of Lawsuit - Robert Cruz and Darwin Dias - \$92,000]
Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for \$92,000; the lawsuit was filed on January 14, 2008 in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al.
(City Attorney)

3/31/2009, RECEIVED AND ASSIGNED to Rules Committee.

- 090388 [Zoning - Establishing the 1500 Page Street Residential Care Special Use District]
Ordinance amending the San Francisco Planning code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings.
(Planning Commission)

4/2/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/14/2009.

- 090392 [Zoning - Ordinance amending Planning Code Section 309.1]
Ordinance amending Planning Code Section 309.1 to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304.
(Planning Department)

4/6/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/14/2009.

PROPOSED RESOLUTIONS

Proposed resolutions received from March 31, 2009, to April 6, 2009, for reference by President to appropriate committee on April 14, 2009.

- 090383 [In Home Supportive Services Contract with IHSS Consortium of San Francisco]
Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2009 to June 30, 2013, in the amount of \$74,996,175.
(Human Services Department)

3/31/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090384 [Settlement of Unlitigated Claim - Allstate Insurance Company - \$30,000]

Resolution approving the settlement of unlitigated claim of Allstate Insurance Company as subrogee for Rajitha Sangha against San Francisco for \$30,000; claim was filed on October 22, 2008.
(City Attorney)

3/31/2009, RECEIVED AND ASSIGNED to Rules Committee.

090386 [Approval of Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - \$18,250,293.80]

Resolution approving Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 30-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, delete special tools that are no longer needed, and purchase training modules, at an additional cost of \$1,075,524, for a total contract amount not to exceed \$18,250,293.80.

(Municipal Transportation Agency)

3/2/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090387 [Approval of Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - \$32,223,133.25]

Resolution approving Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 40-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, at an additional cost of \$2,520,000, for a total contract amount not to exceed \$32,223,133.25.

(Municipal Transportation Agency)

4/2/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090447 [Petitions and Communications]

Petitions and Communications received from March 31, 2009, through April 6, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 14, 2009.

From Department of Animal Care & Control, submitting request for waiver of Administrative Code Chapter 12B for TW Medical Vet Supply. (1)

From Municipal Transportation Agency, regarding pedestrian warning signs at the intersection of 20th Avenue and Wawona Street. (Reference No. 20090127-008) (2)

From Anne Peters, submitting opposition to Proposition 1E, regarding cutting almost a half-billion dollars in Proposition 63 mental health service funds. (3)

From Capital Planning Committee, in accordance with Section 3.21 of the Administrative Code, the Capital Planning Committee reviewed three action items under consideration by the Board of Supervisors and recommends the following items: Capital Budget requests for the Port, Airport and the Public Utilities Commission, fiscal year 2009-2010; authorization of gas tax certificates of participation (\$38,905,000) for streets and rights of way Improvements; and authorization of accept and expend resolution for American Recovery and Reinvestment Act of 2009 grant funds for local street and road rehabilitation projects. Copy: Each Supervisor (4)

From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation and sustainable land use. File 090329, 154 letters (5)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of the state of California from April 3, 2009, until April 8, 2009, designating Supervisor Michela Alioto-Pier as Acting Mayor from April 3, 2009, until 12:00 am on April 6, 2009, and Supervisor Sean Elsbernd as Acting Mayor from April 6, 2009, until April 8, 2009. Copy: Each Supervisor (6)

From Office of the Mayor, regarding a new website (www.recoverysf.org) being launched today designed to keep the City and its residents informed about the very important issues and processes surrounding the American Recovery & Reinvestment Act. (7)

From Muni, submitting request for waiver of Administrative Code Chapter 12B for Dellner Couplers, Inc. (8)

From Muni, submitting request for waiver of Administrative Code Chapter 12B for Transtech of SC, Inc. (9)

From Mercy Housing, informing the Board that they are applying to the State Department of Housing and Community Development for financing from the Transit-Oriented Development Program, for the development of 1000 4th Street Family Apartments. Copy: Each Supervisor (10)

From Patrick Monette-Shaw, commenting on the loss of nearly 1,000 skilled nursing beds so desperately needed, the loss of medical care to the City's medically indigent frail elderly and disabled citizens, and the loss of publicity concerning the public's right-to-know about lawsuits against the City. (11)

From Department of Public Health, submitting proposed changes to the Health Care Accountability Ordinance. File 090130, Copy: Budget Committee (12)

From Department of Public Works, regarding status of graffiti removal from various locations in District 5. (Reference No. 20090 0303-002) (13)

From Department of Public Works, regarding status of graffiti removal from various locations in District 5. (Reference No. 200900303-004) (14)

From Department of Public Works, regarding status of graffiti removal from various locations in District 5. (Reference No. 20090317-001) (15)

From Department of Public Works, regarding status of graffiti removal from various locations in District 5. (Reference No. 20090317-002) (16)

From Department of Public Works, regarding status of graffiti removal from various locations in District 5. (Reference No. 20090317-004) (17)

From Department of Public Works, regarding status of graffiti removal from various locations in District 5. (Reference No. 20090317-009) (18)

From Arthur Evans, regarding the April 6, 2009 Public Safety Committee meeting. (19)

From Charles Kalish, regarding the beeping turn signals on MUNI buses. Copy: Each Supervisor (20)

From Floyd, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. Copy: Each Supervisor (21)

From Abdalla Megahed, requesting assistance with getting transportation to visit Washington D.C. for his birthday. Copy: Each Supervisor (22)

From Phoebe Williams, suggesting the U.S. Military patrol the streets of San Francisco to help the police with parolees, street gangs and drug dealers and to keep seniors and small children safe. Copy: Each Supervisor (23)

From SRO Task Force, submitting their proposed budget for fiscal year 2009-2010. (24)

From Office of the Controller, submitting the monthly economic barometer for February 2009. (25)

From Tenderloin Health, regarding their next sunshine board meeting on April 22, 2009. (26)

From Christian Holmer, regarding immediate disclosure requests and sunshine complaints. (27)

From Office of the Controller-City Services Auditor, submitting its financial audit report of the Statement of Net Assets and Statement of Changes in Net Assets of the City and County of San Francisco. (28)

From Betty Kallo, submitting opposition to the proposed closure of Park Branch Library. (29)

From Budget Analyst, submitting the budget analyst status report for the quarter ending March 31, 2009. (30)

From SF Public Utilities Commission, submitting the annual disclosure report for fiscal year ending June 30, 2008 for the Public Utilities Commission Water Enterprise. (31)

From SF Peak Oil Preparedness Task Force, submitting their report for March 2009. (32)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (33)

Catherine Stefani, Legislative Aide-Annual
Carmelin Blackstone, Legislative Aide-Annual
Vallie Brown, Legislative Aide-Annual
Cassandra Costello-Legislative Aide-Annual
Rick Galbreath-Legislative Aide-Annual
Andrew Hayward-Legislative Aide-Annual
Nicolas King, Legislative Aide-Annual
Jon Lau-Legislative Aide-Annual
Jeremy Pollock-Legislative Aide-Annual
Olivia Scanlon-Legislative Aide-Annual
Kay Gulbengay-Deputy Director -Annual
Angela Calvillo-Clerk of the Board-Annual
Michael Bornstein-LAFCo-Annual
Ross Mirkarimi-Supervisor-LAFCo-Annual
Bevan Duffy-Supervisor-LAFCo-Annual
Rose Chung-Legislative Aide-Annual
Raquel Redondiez, Legislative Aide-Annual
Pedro Rodriguez-Budget Analyst-Annual
Harvey Rose, Budget Analyst-Annual
Arthur Louie-Budget Analyst-Annual
Sophenia Maxwell-Supervisor-Annual
Hanley Chan-SOTF-Annual
Richard Knee-SOTF-Annual
Sue Cauthen-SOTF-Annual
James Knoebbeor-SOTF-Annual
Erica Craven-Green-SOTF-Annual
Aallyson Washburn-SOTF-Annual
Carmen Chu-Supervisor-Annual
Nancy Miller-LAFCo-Annual
Harrison Sheppard-SOTF-Leaving
Kristin Chu-SOFT-Annual
Michael Bell-LAFCo-Annual
Paul Fenn-LAFCo-Annual
Michela Alioto-Pier-Supervisor-Annual
Gregory Blaine-AAB-Annual
Mervin Conlan-AAB-Annual
Donna Crowder-AAB-Annual
Alec Lambie-AAB-Annual
Lawrence Lee-AAB-Annual
John McGary-AAB-Annual
Louisa Mendoza-AAB-Annual
Hayes Miles-AAB-Annual
Jeffrey Morris-AAB-Annual
Alfredo Perez-AAB-Annual
Diane Robinson-AAB-Annual
Margaret Ruxton-AAB-Annual
Joseph Tham-AAB-Annual
Arthur Tom-AAB-Annual
David Wilbur-AAB-Annual

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

04-17-09A08-10 REV0

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, April 21, 2009 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

APR 17 2009

Regular Meeting

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the March 24, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition I in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, public comment for this item will take place during general public comment.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 3

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Daly

1. 090331 [Accept and Expend Private Grant - Back on Track Program - \$111,998]
Supervisor Mirkarimi
Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$111,998 through the San Francisco Foundation, for a program entitled "Back on Track Re-entry Program" for fiscal year 2008-2009 and 2009-2010.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

2. 081560 [India Basin Industrial Park Zoning Map Amendment]
Supervisor Maxwell
Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/3/2009, PASSED ON FIRST READING.

3/17/2009, RE-REFERRED to Land Use and Economic Development Committee.

4/14/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. 081561 [India Basin Industrial Park, Planning Code Text Amendment]

Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

3/3/2009, PASSED ON FIRST READING

3/17/2009, RE-REFERRED to Land Use and Economic Development Committee.

4/14/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

4. 090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Dufty
- Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to \$600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.
- 3/24/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
3/24/2009, PASSED ON FIRST READING AS AMENDED.
3/31/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
3/31/2009, PASSED ON FIRST READING AS AMENDED.
4/14/2009, PASSED ON FIRST READING. Supervisor Alioto-Pier moved to divide the question relating to the effective date of the "Amount of Rebate."
- The question relating to the effective date of the "Amount of Rebate" was passed by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Mar, Maxwell, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

5. 090130 [Health Care Accountability Components]
Supervisor Alioto-Pier
- Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.
- 4/14/2009, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Land Use and Economic Development Committee

Present. Supervisors Maxwell, Mar, Chiu

6. 090202 [Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]
Supervisor Maxwell

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.
(Planning Department)

4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

7. 090224 [Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]
Supervisor Maxwell

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

8. 090223 [Schlage Lock/Visitacion Valley Special Use District]**Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

9. 090222 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]**Mayor, Supervisor Maxwell**

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Chu

10. 090256 [Agreement to Purchase an Access and Communication Easement in Tuolumne County]

Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of \$9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.

(Real Estate Department)

Question: Shall this Resolution be ADOPTED?

11. 090355 [Airport Commission's Declaration of Emergency contract pursuant to Section 6.60 of the San Francisco Administrative Code]
Resolution concurring with the Airport Commission's Declaration of Emergency in response to the boiler failures at the Airport and approving a contract between the Airport Commission and Ghiloti Brothers for the purchase of two new boilers.
(Airport Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly

12. 090322 [Accept and Expend Grant Funds - Healthy San Francisco program evaluation - \$250,000]
Supervisor Dufty
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$250,000 from the California Endowment to fund the Healthy San Francisco program evaluation; for the period of February 2, 2009, through July 31, 2010.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?
13. 090326 [Accept and Expend DWR Grant Funds - SFPUC - \$517,500]
Supervisor Maxwell
Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Water Resources Grant in the amount of \$517,500.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?
14. 090342 [Recognizing freshwater as a human right and the importance of access to safe drinking water for all]
Supervisors Dufty, Campos, Daly
Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

3/24/2009, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Campos requested to be added as a co-sponsor.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

15. 081282 [Urging City Departments to develop a Home Improvement Plan for the Bayshore Corridor]
Supervisors Maxwell, Duffy, Chiu
Resolution urging the Planning Department, Office of Economic and Workforce Development, and
Redevelopment Agency to develop plans and programs to establish a Green and Sustainable Home
Improvement District for the Bayshore Corridor area in Bayview Hunters Point.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**COMMITTEE REPORTS**

Reports from committees, if any, recommending emergency or urgent measures.

*The following items will be considered by the Rules Committee at a Regular Meeting on Thursday,
April 16, 2009 at 10:00 a.m. The Chair intends to request the Committee to send the following items
to the Board as a committee report on Tuesday, April 21, 2009.*

(Only one of the following two motions should be approved.)

16. 090232 [Appointment, Historical Preservation Commission - Ruth Todd]
Motion approving the Mayor's nomination for appointment of Ruth Todd to the Historical
Preservation Commission, Seat No. 2, for a two-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of
Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the
nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within
60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed
approved; companion measure to File 090233. Transmittal date – February 24, 2009.)

Question: Shall this Motion be APPROVED?

17. 090233 [Appointment, Historical Preservation Commission - Ruth Todd]
Motion rejecting the Mayor's nomination for appointment of Ruth Todd to the Historical
Preservation Commission, Seat No. 2, for a two-year term ending date to be determined.
(Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of
Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the
nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within
60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed
approved; companion measure to File 090232. Transmittal date – February 24, 2009.)

Question: Shall this Motion be APPROVED?

18. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

19. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 20 through 28

20. 090462 [AmeriCorps Week - May 9 - 16, 2009]
Supervisor Alioto-Pier
Resolution declaring May 9 - 16, 2009, AmeriCorps Week.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
21. 090463 [Supporting Aerial Spraying of Pesticide: Inert Ingredients Act (Senate Bill 759)]
Supervisor Alioto-Pier
Resolution urging the City and County of San Francisco to support Senate Bill 759, Aerial Spraying of Pesticide: Inert Ingredients Act.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
22. 090464 [Congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City in El Salvador, Santa Tecla]
Supervisors Campos, Avalos, Daly, Mar, Mirkarimi
Resolution congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City, Santa Tecla.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

23. 090465 [Denouncing immigration raids and supporting comprehensive immigration reform]
Supervisor Campos
Resolution acknowledging immigrant contributions, denouncing Immigration and Customs Enforcement (ICE) raids, and supporting comprehensive immigration reform focused on family unity, worker justice, civil rights and a path to legalization.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
24. 090466 [Taxi Medallion Fees]
Supervisor Chiu
Resolution urging the San Francisco Municipal Transportation Agency to examine and consider taxi medallion fees.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
25. 090467 [Urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk]
Supervisors Dufty, Campos
Resolution urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
26. 090468 [Commending Captain Denis O'Leary for his leadership at the Ingleside Station]
Supervisors Dufty, Campos, Elsbernd, Avalos, Mirkarimi
Resolution commending Captain Denis O'Leary for his leadership at the Ingleside Station, and his accomplishments increasing public safety.

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
27. 090472 [Commending Neil G. Giuliano for his success as the President and voice of Gay and Lesbian Alliance Against Defamation (GLAAD)]
Supervisor Dufty
Resolution commending Neil G. Giuliano for his dedication and service as the President of the Gay and Lesbian Alliance Against Defamation (GLAAD).

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

28. 090454 [Final Map: 64 - 72 Townsend Street]
Motion approving Final Map 4779, a 3 Lot Airspace Mixed-Use Subdivision and a 74 Residential Unit Condominium Project, located at 64 - 72 Townsend Street being a subdivision of Lot 003 in Assessors Block No. 3789 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,126; District 6.)

4/14/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

29. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCE

Proposed ordinances received from April 7, 2009, to April 13, 2009, for reference by President to appropriate committee on April 21, 2009.

090394 [Settlement of Lawsuit - San Francisco Pier 33 LLC - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for \$225,000; the lawsuit was filed on July 9, 2007 in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014.
(City Attorney)

4/9/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

Proposed resolutions received from April 7, 2009, to April 13, 2009, for reference by President to appropriate committee on April 21, 2009.

090455 [Settlement of Claim - Marsanne Weese - \$26,974.20]

Resolution approving the settlement of the unlitigated claim submitted by Marsanne Weese against the City and County of San Francisco for \$26,974.20; claim was submitted on September 26, 2008.
(City Attorney)

4/9/2009, RECEIVED AND ASSIGNED to Rules Committee.

090485 [Petitions and Communications]

Petitions and Communications received from April 7, 2009, through April 13, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 21, 2009.

From Office of the Controller-City Services Auditor, submitting concession audit of WSE Group, Inc., doing business as (dba) Legends of San Francisco with the Airport Commission. (1)

From Department of Toxic Substances Control, submitting a 45-day public notice and comment period on proposed amendments and adoption of the California Code of Regulations. Copy: Each Supervisor (2)

From Planning Department, submitting an updated schedule of the citywide outreach meetings on the Housing Element. Copy: Each Supervisor (3)

From Public Utilities Commission, responding to inquiry on the reasons and rationale for removing the proposed child care facility from the plans for the new SFPUC building located at 525 Golden Gate Avenue and the other changes/revisions that have been made from the original plan submitted by the PUC. (Reference No. 20090210-002) (4)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code 12B for Alstom Signaling, Inc. (5)

From Department of Public Works, regarding status of removing graffiti from news racks in various locations in District 5. (Reference No. 20090303-001) (6)

From Department of Public Works, regarding status of removing graffiti from news racks in various locations in District 5. (Reference No. 20090317-005) (7)

From Department of Public Works, regarding status of removing graffiti from news racks in various locations in District 5. (Reference No. 20090324-002) (8)

From SF Association of Realtors, commenting on proposed amendments to the city's water conservation ordinance. File 090225, Copy: Land Use Committee (9)

From Municipal Transportation Agency, regarding the feasibility of establishing various stop signs within the Sunset District. (Reference No. 20090127-008) (10)

From Kimo Crossman, submitting letter entitled: Mayor Newsom takes credit for more SFGTV video online than other governments-yet ignores Sunshine Mandate. (11)

From Kimo Crossman, thanking Supervisor Dufty for sponsoring the hearing regarding Municipal Transportation Agency work orders from fiscal year 2006-2007 through fiscal year 2009-2010. File 090315 (12)

From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation and sustainable land use. File 090329, 64 letters (13)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests: (14)
Tanene Allison, Assuming-SOTF
Hope Schmeltzer, Annual-LAFCo

From Stradling, Yocca, Darlson & Rauth, regarding the California Community College Financing Authority Tax and Revenue Anticipation Note Program, Series 2009A. Copy: Tax Collector, Treasurer (15)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of the State of California from April 12, 2009 until April 16, 2009. Supervisor Carmen Chu and Supervisor Dufty will serve as Acting-Mayor. Copy: Each Supervisor (16)

From Gary, submitting a proposal that would aid in San Francisco's housing recovery. (17)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090210-004) (18)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090324-004) (19)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090331-004) (20)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090331-005) (21)

From Dr. Ahimsa Sumchai, regarding complaint that alleges a violation of the Public Records Act, Brown Act and Sunshine Ordinance by a majority of the Board who attended a conference in Washington D.C. (22)

From Jim Meko, submitting notice that the WSoMa Task Force will be meeting on April 16, 2009 in City Hall. (23)

From Paul Burke, urging the Board to reconsider their decision to exclude the pilot series "Trauma" from the film rebate program. File 090024, Copy: Each Supervisor (24)

From Ben Lin, submitting opposition to raising the bus fare in San Francisco. (25)

From Chaska & Gail Berger, submitting opposition to imposing a fee to enter the Strybing Arboretum in Golden Gate Park. (26)

From BART Government & Community Relations, submitting notice of some future long-term elevator closures at BART/Muni Metro Stations. (27)

From Law Offices of Daniel Reidy, submitting joinder in motion of Golden Gate Bridge, Highway and Transportation District to prohibit further Ex Parte Communications. (28)

From Law Offices of Daniel Reidy, submitting joinder in motion of Golden Gate Bridge, Highway and Transportation District to consolidate Application No. A. 09-01-016 and Complaint No. C. 09-03-019. (29)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

04-24-09 08:25 RCVD

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, April 28, 2009 2:00 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

APR 24 2009

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DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the March 31, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 8

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

1. 090354 [Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - \$604,354]
Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for \$604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

2. 090385 [Settlement of Lawsuit - Robert Cruz and Darwin Dias - \$92,000]
Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for \$92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No. 08-0244, entitled Robert Cruz, et al. v. City and County of San Francisco, et al.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

3. 090384 [Settlement of Unlitigated Claim - Allstate Insurance Company - \$30,000]
Resolution approving the settlement of unlitigated claim of Allstate Insurance Company as subrogee for Rajitha Sangha against San Francisco for \$30,000; claim was filed on October 22, 2008.
(City Attorney)

Question: Shall this Resolution be ADOPTED?

4. 090434 [Appointments, Children's Collaborative Task Force - Lindsay Page, Peggy Brown and Allyson Clark]
Motion appointing Lindsay Page, Peggy Brown and Allyson Clark, terms to be determined, to the Children's Collaborative Task Force.

Question: Shall this Motion be APPROVED?

5. 090435 [Appointments, Child Care Planning and Advisory Council - Judith Baker, Lourdes Alarcon and Heidi McLaughlin]
Motion appointing Judith Baker, term ending December 31, 2010, Lourdes Alarcon, term ending December 31, 2009 and Heidi McLaughlin, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Question: Shall this Motion be APPROVED?

6. 090436 [Appointment, Bicycle Advisory Committee - Rachel Eborá]
Motion appointing Rachel Eborá, term ending November 19, 2010, to the Bicycle Advisory Committee.

Question: Shall this Motion be APPROVED?

7. 090439 [Appointments, Immigrant Rights Commission - Solomon Jones and Elahe Enssani]
Motion appointing Solomon Jones and Elahe Enssani, terms ending June 6, 2010, to the Immigrant Rights Commission.

Question: Shall this Motion be APPROVED?

8. 090440 [Appointment, Commission on the Aging Advisory Council - Vera Haile]
Motion appointing Vera Haile, term ending March 31, 2011, to the Commission on the Aging Advisory Council.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

9. 090202 [Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]
Supervisor Maxwell
Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.
(Planning Department)
- 4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.
4/21/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
10. 090224 [Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]
Supervisor Maxwell
Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.
- 4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.
4/21/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

11. 090223 [Schlage Lock/Visitacion Valley Special Use District]**Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.

4/21/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?**12. 090222 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]****Mayor, Supervisor Maxwell**

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

4/14/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/14/2009, CONTINUED AS AMENDED. Continued to April 21, 2009.

4/21/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/21/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Chu, Campos

13. 090424 [Approving the 2009 San Francisco Juvenile Justice Local Action Plan Update]
Supervisor Avalos
Resolution approving the 2009 San Francisco Juvenile Justice Local Action Plan which identifies the citywide programs and approaches that have been demonstrated to be effective in reducing violence, crime and delinquency amongst young adults ages 11 – 25 and includes recommendations for how funding for local violence prevention and intervention strategies will be allocated for the term of July 1, 2009 – June 30, 2010.

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Subcommittee Without Recommendation

Present: Supervisors Avalos, Chu, Campos

14. 090093 [Solar Energy Agreements with Recurrent Energy]
Mayor, Supervisors Chu, Dufty
Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.
(Fiscal Impact.)
(Supervisor Campos dissented in Committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Chu, Campos

15. 090404 [Certificates of Participation for Street Improvements - \$42,000,000]

Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed \$42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements; approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 090418 [Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]

Supervisor Duffy

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

4/14/2009, SUBSTITUTED. Supervisor Duffy submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present. Supervisors Maxwell, Mar, Chu

17. 090211 [Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]
Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.
(Planning Commission)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 090225 [Residential Water Conservation Ordinance Amendments]
Mayor, Supervisor Maxwell
Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

4/14/2009, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 090226 [Commercial Water Conservation Ordinance Amendments]
Mayor, Supervisor Maxwell
Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

4/14/2009, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Daly, Chu, Campos

20. 090453 [Appointment, Police Commission - Petra DeJesus]
Motion appointing Petra DeJesus, term ending April 30, 2013, to the Police Commission.

Question: Shall this Motion be APPROVED?

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File No. 090350.)

21. 090316 [Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]
Supervisors Maxwell, Chiu
Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

3/31/2009, CONTINUED. Continued to April 28, 2009.

Action: _____

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**22. ROLL CALL FOR INTRODUCTIONS**

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

23. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 24 through 35

24. 090350 [Board of Supervisors to sit as a Committee of the Whole - April 28, 2009]
Supervisors Maxwell, Chin
Motion that the Board convenes as a Committee of the Whole on April 28, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

3/17/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
3/24/2009, CONTINUED.
3/31/2009, AMENDED Amended by replacing "March 31, 2009 - Committee of the Whole" to "April 28, 2009 - Committee of the Whole."
3/31/2009, CONTINUED AS AMENDED. Continued to April 28, 2009.
Question: Shall this Motion be APPROVED?
25. 090480 [Supporting Senate Bill 797, the Toxin-Free Babies and Toddlers Act]
Supervisor Alioto-Pier
Resolution urging the City and County of San Francisco to support Senate Bill 797 (SB 797), the Toxin-Free Babies and Toddlers Act.

4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
26. 090481 [Accept and Expend Grant - Department of Public Health (DPH) - \$100,000]
Supervisor Alioto-Pier
Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$100,000 from the National Association of County and City Health Officials (NACCHO) to support a public health preparedness project through the Communicable Disease and Prevention Section; for the period of April 1, 2009 through September 29, 2009.

4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
27. 090482 [Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]
Supervisor Avalos
Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.

4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

28. 090483 [Supporting Senate Bill 585 to ban gun shows at the Cow Palace]
Supervisors Avalos, Dufty
Resolution supporting Senate Bill 585 to ban gun shows at the Cow Palace.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
29. 090486 [Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]
Supervisor Campos
Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
30. 090487 [Accept and Expend Grant - Department of Public Health (DPH) - \$34,645]
Supervisor Dufty
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$34,645 from the Public Health Foundation Enterprises (PHFE), to support a research project entitled "Chemoprophylaxis for HIV Prevention in Men;" for the period of February 1, 2009, through January 31, 2010.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
31. 090488 [Commending Parents for Public Schools-San Francisco for ten years of service]
Supervisor Dufty
Resolution commending Parents for Public Schools-San Francisco on ten years of service to the parents, students and public schools of San Francisco.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
32. 090489 [Building Safety Week - May 3-9, 2009]
Supervisor Elsbernd
Resolution declaring May 3-9, 2009, as Building Safety Week in San Francisco, recognizing the public safety efforts undertaken by the professionals at the Department of Building Inspection, and honoring these public employees for their dedication to safety.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

33. 090490 [Commending Robert Pender on the occasion of his 85th birthday]
Supervisor Elsbernd
Resolution commending Robert Pender on the occasion of his 85th birthday.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
34. 090491 [Accept and Expend Grant - Department of Public Health - Laguna Honda Hospital (DPH-LHH) - \$7,500]
Supervisor Elsbernd
Resolution authorizing the San Francisco Department of Public Health (DPH) – Laguna Honda Hospital (DPH-LHH), to accept and expend retroactively a grant in the amount of \$7,500 from the Stanford Geriatric Education Center, to support the transitional healthcare project, for the period of July 1, 2008 through June 30, 2009.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
35. 090492 [Declaring June, July and August 2009 as Soda Free Summer]
Supervisor Maxwell
Resolution declaring June, July and August 2009 as “Soda Free Summer” and urging all San Franciscans to join Shape Up SF to “Rethink Your Drink “ and go Soda Free this summer.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

36. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from April 14, 2009, to April 20, 2009, for reference by President to appropriate committee on April 28, 2009.

090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of \$250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Enforcement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)

1/26/2009, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009. 02/03/09 - Referred to Planning for determination of environmental impact. 02/10/09 - Response received from Planning, exempt from CEQA.

4/13/2009, SUBSTITUTED. Department of Public Works submitted a substitute ordinance bearing new title.

4/13/2009, ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from April 14, 2009, to April 20, 2009, for reference by President to appropriate committee on April 28, 2009.

090450 [Approval of Sheriff's Contract for Jail Commissary and Inmate Trust Fund Accounting & Management System with ARAMARK Correctional Services, LLC]

Resolution approving a contract for operating the Sheriff's Jail Commissary and Inmate Trust Fund Accounting & Management System, between ARAMARK Correctional Services, LLC. (ARAMARK), and the City and County of San Francisco, acting by and through its Sheriff's Department.

4/14/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090451 [Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]

Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts.

4/17/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee

090502 [Petitions and Communications]

Petitions and Communications received from April 14, 2009, through April 20, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 28, 2009.

From Office of the Mayor, submitting appointment of Cass Calder Smith, to serve as member of the Arts Commission, effective April 14, 2009, for term ending January 15, 2013. (1)

From Office of the Mayor, submitting appointment of Nicky Calma, to serve as member of the Entertainment Commission, effective April 14, 2009, for a four-year term. (2)

From Office of the Mayor, submitting appointments for the following: (3)

Leo Chow, Arts Commission

John Calloway, Arts Commission

Amy Chuang, Arts Commission

Nicky Calma, Commission on the Status of Women

Rich Peterson, Retirement System Board

From Capital Planning Committee, submitting recommendations for the following items: supplemental appropriation for the Advance Meter Infrastructure Project in the amount of \$58,747,600 and supplemental appropriation for Wastewater Enterprise 5-year Capital Improvement Program and Sewer System Master Plan Projects in the amount of \$119,800,000. Copy: Each Supervisor (4)

From Ahimsa Porter Sumchai, submitting letter from the U.S. Department of Health and Human Services responding to her email regarding the community residents and the children attending one of the schools/daycare centers within one mile of the Hunters Point Shipyard, Parcel A. Copy: Each Supervisor (5)

From James Chaffee, regarding the Board of Supervisors (Rules Committee) endorsement of the Bay Area Library and Information System Advisory Board candidate advanced by the Library Administration. Copy: Each Supervisor (6)

From Aaron Goodman, commenting on the proposed Street Encroachment at 3711-19th Avenue and Crespi Drive. File 090252, Copy: Each Supervisor (7)

From Arthur Evans, questioning if the Public Safety Committee should be disbanded. (8)

From Ernest Tachihara, commenting that the Neighborhood Emergency Response Training (NERT) program is extremely beneficial to the citizens of San Francisco and urging support for full funding. Copy: Each Supervisor (9)

From Natalie Wong, submitting opposition to any changes that redevelop Visitacion Valley and instead use tax dollars to repair all areas of San Francisco and bring back the bus # 15 to Visitacion Valley and other surrounding neighborhoods. File 090446, Copy: Each Supervisor (10)

From Kimo Crossman, regarding City Department using work orders to transfer money to other departments. (11)

From Malcolm Dudley, requesting that a Conditional Use Permit be denied for Live Nation's plans to convert the Masonic Auditorium into a Rock Concert Hall. (12)

From State Lands Commission, submitting notice of public hearing to determine acceptance of retrocession of jurisdiction from the United States over tidelands adjacent to Fort Mason, The Presidio and Alcatraz Island. Copy: Each Supervisor (13)

From Office of the Treasurer, submitting the investment activity (for fiscal year to date) of the portfolios under Treasure's management. (14)

From State Department of Fish and Game, submitting notice of intent to adopt a Negative Declaration for the proposed amendment to Section 670.5 pertaining to the American Peregrine Falcon. (15)

From Municipal Transportation Agency, regarding the feasibility of installing traffic calming measures and speed bumps at various locations in District 4. (Reference No. 20090127-008) (16)

From Marc Parsley, commenting how Mendocino County has changed since the "pot growers have taken over the county" and urging San Francisco not to make the same mistake as Mendocino County. (17)

From State Fish and Game Commission, submitting notice of emergency regulatory action relating to incidental take of Pacific fisher, the revised regulatory language, and the statement of facts constituting need for emergency action. (18)

From County of Mendocino Board of Supervisors, submitting copy of letter sent to Minerals Management Services opposing the consideration of the Mendocino Coast for off-shore oil and gas leasing and request for a local public hearing. (19)

From Department of Public Works, regarding the status of removing graffiti from utility poles at various locations in District 5. (Reference No. 20090324-006) (20)

From Ahimsa Porter Sumchai, submitting news article from the Miami Herald entitled Lennar reports eighth straight loss as housing slump worsens. (21)

From Ahimsa Porter Sumchai, questioning why there is not an emergency plan for the District Attorney's office or the Hall of Justice. (22)

From Office of Citizen Complaints, submitting the 2009 first quarter statistical report. (23)

From Abdalla Megahed, submitting copy of letter sent to Congresswoman Barbara Lee regarding his trip to Washington D.C. (24)

From Metropolitan Transportation Commission, submitting the 2008 Annual Report. (25)

From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation and sustainable land use. File 090329, 42 letters (26)

From Jim Meko, submitting notice of the next Western SoMa Task Force on April 22, 2009. (27)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, May 5, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

11:00 AM

1st and 3rd Thursday

10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices. (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the April 7, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 8

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Chu, Campos

1. 090418 [Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]
Supervisor Dufty
Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

4/14/2009, SUBSTITUTED. Supervisor Dufty submitted a substitute ordinance bearing new title.

4/28/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. 090404 [Certificates of Participation for Street Improvements - \$42,000,000]**Mayor**

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed \$42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements; approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

4/28/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?**Recommendation of the City Operations and Neighborhood Services Committee***Present: Supervisors Dufty, Daly, Chiu***3. 090323 [Approval of Software License and Software Maintenance contracts between the Department of Public Health and Philips Healthcare]****Supervisor Dufty**

Resolution authorizing the Department of Public Health to enter into a Software License and Software Maintenance contract with Philips Healthcare.

Question: Shall this Resolution be ADOPTED?**Recommendations of the Land Use and Economic Development Committee***Present: Supervisors Maxwell, Mar, Chiu***4. 090211 [Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]**

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

(Planning Commission)

4/28/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. 090225 [Residential Water Conservation Ordinance Amendments]**Mayor, Supervisor Maxwell**

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

4/14/2009, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

4/28/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. 090226 [Commercial Water Conservation Ordinance Amendments]**Mayor, Supervisor Maxwell**

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

4/14/2009, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

4/28/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

7. 090354 [Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - \$604,354]

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for \$604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act.
(City Attorney)

4/28/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 090385 [Settlement of Lawsuit - Robert Cruz and Darwin Dias - \$92,000]
Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for \$92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al.
(City Attorney)

4/28/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Subcommittee Without Recommendation

Present: Supervisors Avalos, Chu, Campos

9. 090093 [Solar Energy Agreements with Recurrent Energy]
Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar
Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY I, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.
(Fiscal Impact.)
(Supervisor Campos dissented in Committee.)

4/28/2009, CONTINUED ON FIRST READING. Supervisors Alioto-Pier and Mar requested to be added as co-sponsors.

Continued to May 5, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Alioto-Pier, Chiu

13. 080322 [Prohibition on loitering outside nightclubs]
Mayor, Supervisor Maxwell
Ordinance amending the San Francisco Police Code by adding Section 121, to prohibit loitering outside nightclubs.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Maxwell

14. 090286 [Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements]
Supervisor Mirkarimi
Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

Question: Shall this Ordinance be PASSED ON FIRST READING?

15. 081095 [Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "The homeless have homes, but they are still on the street"]
Supervisor Mirkarimi
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "The homeless have homes, but they are still on the street."

Question: Shall this Resolution be ADOPTED?

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

Present Supervisors Avalos, Mirkarimi, Chu

10. 090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]
Supervisor Avalos
Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of \$250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Abatement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings.
(Public Works Department)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
11. 090287 [State Video Franchise Holders]
Supervisor Mirkarimi
Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.
(Supervisor Chu dissented in Committee.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
12. 090356 [Agreement to Sell the Dolores Hotel Located at 35-37 Woodward Street]
Resolution approving and authorizing the execution and performance of an Agreement For Sale of Real Estate relating to the property commonly known as the Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and the Director of the Mayor's Office of Housing to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.
(Real Estate Department)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

16. 090210 [Zoning Map Amendment - 2400 Irving Street]
Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 090469 [Green Building Ordinance - Finding of Cost Effectiveness and Energy Savings]
Mayor
Resolution adopting a finding by the Board of Supervisors, required by State law, that the City's Green Building Ordinance (Chapter 13C of the San Francisco Building Code) is cost effective and will save more energy than the 2008 California Building Efficiency Standards that will go into effect throughout the State of California on August 1, 2009, and directing the Department of Building Inspection or other appropriate City staff to cause the Green Building Ordinance, this resolution, and the supporting study to be transmitted to the California Energy Commission for its review and re-approval.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on April 30, 2009, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, May 5, 2009.

18. 090329 [Recreation and Park Department - Sharp Park]
Supervisor Mirkarimi

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

4/7/2009, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. **ROLL CALL FOR INTRODUCTIONS**

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

20. **PUBLIC COMMENT**

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee.

Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 21 through 37

21. 090482 [Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]
Supervisors Avalos, Mar
Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
4/28/2009, CONTINUED. Supervisor Mar requested to be added as a co-sponsor.
Continued to May 5, 2009.
Question: Shall this Resolution be ADOPTED?
22. 090486 [Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]
Supervisors Campos, Mirkarimi, Mar, Avalos
Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.
- 4/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
4/28/2009, CONTINUED. Supervisors Mirkarimi, Mar, and Avalos requested to be added as co-sponsors.
Continued to May 5, 2009.
Question: Shall this Resolution be ADOPTED?
23. 090528 [Declaring May 12, 2009, as John Ross Day]
Supervisor Avalos
Resolution commending John Ross for his service to San Francisco over the past 45 years as a writer, poet, journalist, speaker, teacher, and community organizer, and declaring May 12, 2009, to be John Ross Day.
- 4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
24. 090530 [Municipal Clerks Week - May 3-9, 2009]
Supervisors Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Resolution declaring May 3-9, 2009, as Municipal Clerks Week in the City and County of San Francisco, hereby recognizing the vital services performed by Municipal Clerks and especially by the City and County of San Francisco Board of Supervisors Clerk of the Board, Angela Calvillo, and her staff.
- 4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

25. 090531 [Declaring May 2009 as Hepatitis B Awareness Month]
Supervisors Chiu, Alioto-Pier, Chu, Maxwell
Resolution declaring May 2009 as Hepatitis B awareness month in San Francisco, with the goal of holding at least one Hepatitis B awareness or prevention event every day of the month; build on continuing efforts by the San Francisco community to make San Francisco the first city in America to be free of Hepatitis B disease; encouraging all San Francisco residents to know their own Hepatitis B status.
- 4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
26. 090532 [Supporting Senate Bill 782, Residential tenancies: domestic violence]
Supervisor Chu
Resolution supporting Senate Bill 782 to provide stable, safe housing for victims of domestic violence, sexual assault or stalking.
- 4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
27. 090533 [Urging Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach]
Supervisors Chu, Mar, Elsbernd
Resolution urging the Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach when allocating \$16.1 million it has received in American Recovery and Reinvestment Act funds as well as future allotments of Federal funding.
- 4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
28. 090534 [Mortgage Revenue Bonds]
Supervisor Daly
Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$12,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$60,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$12,000,000; authorizing and directing the execution of any actions necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

29. 090535 [Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]
Supervisors Duffy, Mar, Mirkarimi
Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top and sole priorities for Federal Small Starts Funding.

4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
30. 090536 [Commending Chris Ellen Montgomery on her 25 years of service to the City and County of San Francisco]
Supervisor Duffy
Resolution commending Chris Ellen Montgomery for her 25 years of exceptional service to the City and County of San Francisco and the Department of Public Works.

4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
31. 090537 [Endorsing San Francisco's inclusion in the "Healthy Purchase Pilot Program"]
Supervisor Maxwell
Resolution endorsing and supporting San Francisco's inclusion in the California Department of Public Health's "Healthy Purchase Pilot Program."

4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
32. 090529 [Waiver permitting City Employees to Assist the Department of Elections with the May 19, 2009, special statewide election]
Supervisor Chiu
Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the May 19, 2009, special statewide election.

4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
33. 090255 [Final Map - 274 6th Avenue]
Motion approving Final Map 5370, a 2 Lot Subdivision and 3 Residential Unit Condominium Project, located at 274 6th Avenue being a subdivision of Lot 027 in Assessors Block No. 1428 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,149; District 1.)

4/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

34. 090437 [Final Map - 1500 Sutter Street]
Motion approving Final Map 4156, a 65 Commercial Unit Condominium Project, located at 1500 Sutter Street being a subdivision of Lot 005 in Assessors Block No. 0673 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,141; District 5.)

4/20/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
35. 090438 [Final Map - 2235 Mission Street]
Motion approving Final Map 4706, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 2235 Mission Street being a subdivision of Lot 031 in Assessors Block No. 3590 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,142; District 9.)

4/20/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
36. 090494 [Final Map - 335 Berry Street]
Motion approving Final Map 4328, a one-lot subdivision for condominium purposes, being a 67-unit residential condominium project of Lot 4 in Assessors Block No. 8707, located at 335 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,112; District 6.)

4/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
37. 090495 [Final Map - 330 Berry Street]
Motion approving Final Map 4329, a one-lot subdivision for condominium purposes, being a 64-unit residential condominium project of Lot 5 in Assessors Block No. 8704, located at 330 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,113; District 6.)

4/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:* _____

38. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from April 21, 2009, to April 27, 2009, for reference by President to appropriate committee on May 5, 2009.

There were none.

PROPOSED RESOLUTIONS

Proposed resolutions received from April 21, 2009, to April 27, 2009, for reference by President to appropriate committee on May 5, 2009.

090479 [Accept and Expend Grant - Mayor - \$3,000,000]

Mayor

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$3,000,000.

4/21/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090497 [Appointment - Treasury Oversight Committee]

Resolution appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom, and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee.
(Treasurer-Tax Collector)

4/22/2009, RECEIVED AND ASSIGNED to Rules Committee

090498 [Approval of a contract amendment with the University of the Pacific School of Dentistry in order to exercise a five year contract option to continue to provide dental services for residents of Laguna Honda Hospital]

Resolution authorizing the San Francisco Department of Public Health (DPH), to amend a contract in order to exercise a five year contract option with The University of the Pacific School of Dentistry for continued dental services at Laguna Honda Hospital for a new term of July 1, 2004 through June 30, 2014.
(Public Health Department)

4/27/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090499 [Ratification of increases to prior professional service contracts for health and behavioral health services]

Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the total contract amounts and extend the terms of those contracts through December 31, 2010.
(Public Health Department)

4/27/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090547 [Petitions and Communications]

Petitions and Communications received from April 21, 2009, through April 27, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on May 5, 2009.

From Redevelopment Agency, submitting response to written objection on the proposed Vistacion Valley Redevelopment Plan. File No. 090446, Copy: Each Supervisor (1)

From Office of the Controller, submitting concession audit report of Tomokazu Japanese Cuisine (SFO) Inc. (2)

From Emile Lawrence, submitting copy of letter sent to U.S. Senator Dianne Feinstein regarding her position on taxi medallion sales and Mayor Newsom's involvement in the City and County's eminent bankruptcy. (3)

From John Nulty, submitting copy of letter sent to the Ethics Commission regarding the proposed overhaul of San Francisco lobbying law. Copy: Each Supervisor (4)

From Office of the City Attorney, regarding the award of contract in the Airport's Terminal Two Renovation Project, Mechanical Trade Bid Package. Copy: Each Supervisor (5)

From Whole Foods Market, submitting request for a Type 20, Off-sale Beer and Wine license for the Whole Foods Market at 3950-24th Street. (6)

From Neil Cook, submitting copy of letter sent to the Citation Review Center protesting the parking citation he received at 1042 Kearney Street. (7)

From Round the Diamond, urging the Board of Education and the Board of Supervisors draft a resolution supporting the construction of a basketball education and career pathway arena, in collaboration with the Seawall Lot 337 development team, the Port of San Francisco and the City and County of San Francisco. Copy: Each Supervisor (8)

From concerned citizens, urging the Board of Supervisors to oppose any appeal, (following the unanimous disapproval by the Planning Commission) regarding a Conditional Use Permit for "Alternative to Meds Center" at 827 Guerrero Street. Copy: Each Supervisor (9)

From Human Services Agency, submitting notice that the Human Services Commission has approved the Human Services Agency's revised fiscal year 2008-09 savings projections for the Human Services Care Fund. (10)

From Arts Commission, submitting quarterly report expenditure for fiscal year 2008-09. (11)

From Joseph Fleischman, submitting opposition to resolution urging the San Francisco Municipal Transportation Agency to examine and consider taxi medallion fees. File No. 090466 (12)

From Gail Moore, commenting that talking on a hand held cell phone while driving law is not enforced in San Francisco. (13)

From concerned citizens, urging the Board to restore Sharp Park. 448 letters (14)

From concerned citizens, submitting copy of letter sent to the District Attorney, thanking them for the recent conviction of the person that was caught vandalizing a building in Dolores Park with graffiti. (15)

From concerned citizens, submitting support for proposed legislation regarding residential and commercial water conservation. Files Nos. 090225, 090226. Copy: Each Supervisor (16)

- From Michael Gardner, regarding the article in the San Francisco Chronicle about Deputy Chief Greg Suhr and the incident regarding his recent change of command. (17)
- From concerned citizens, submitting support for full funding of public access television. File No. 090287, Copy: Budget and Finance Committee. 7 letters (18)
- From Martin Lyon, recommending MUNI diesel coaches adopt the "Powered by Clean Natural Gas" message and discontinue the message "Hybrid Electric Bus". Copy: Each Supervisor (19)
- From Arthur Evans, commenting on proposed resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries. File No. 090486, 2 letters (20)
- From Kenny Cowan, regarding the valet parking permit of the "Inn of the Opera" using street parking to park their patron's cars and the misuse of the passenger loading zone in front of the Inn that extends to his apartment building at 337 Fulton Street. (21)
- From Mary Robinson, regarding the Presidio Trust proposing new out of character buildings that are not necessary or add to the historical character of the park. Copy: Supervisor Alioto-Pier (22)
- From concerned citizens, regarding the Hunters Point Naval Shipyard cleanup. 2 letters (23)
- From Francisco Da Costa, regarding Barbara Hale and the Solar Power project. (24)
- From Francisco Da Costa, regarding children attending schools close to Superfund Sites and other toxic hot spots in Bayview Hunters Point. (25)
- From Francisco Da Costa, regarding State Senator Mark Leno. (26)
- From Lynn Smith, submitting opposition to naming Third Street "Willie Brown Boulevard" in San Francisco. Copy: Each Supervisor (27)
- From Adrian Cotter, commenting on the Board of Supervisors website and suggestions for improvement. Copy: Each Supervisor (28)
- From BART, Government and Community Relations, submitting notice of BART Police Department Review Committee update and details on meeting to discuss civilian oversight on May 2, 2009, at 1:00 p.m. (29)
- From Jim Meko, submitting report on several important votes taken by the Western SoMa Task Force last week. (30)
- From Jackie Wright, urging the Board of Supervisors to review the public files at broadcast stations in San Francisco. (31)
- From State Fish and Game Commission, submitting notice of candidacy status for the pacific fisher, which will be published in the California Regulatory Notice Register on April 24, 2009. (32)
- From US Army Corps of Engineers, submitting public notice regarding the stream maintenance program in Sonoma Creek and Petaluma River Watersheds. (33)
- From US Army Corps of Engineers, submitting public notice regarding the Wood Road Mitigation Bank, north of Santa Rosa in Sonoma County. (34)

From US Army Corps of Engineers, submitting public notice regarding the California Department of Fish and Game fisheries restoration grant program. (35)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

05-08-09A08:02 ACED

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, May 12, 2009 2:00 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY - 8 2009

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PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsuprvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbemd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

11:00 AM

1st and 3rd Thursday

10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the April 14, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 and 2

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]
Supervisor Avalos
Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of \$250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Abatement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings.
(Public Works Department)

5/5/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

2. 090210 [Zoning Map Amendment - 2400 Irving Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

5/5/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Subcommittee Without Recommendation

Present: Supervisors Avalos, Chu, Campos

3. 090093 [Solar Energy Agreements with Recurrent Energy]

Mayor, Supervisors Chu, Duffy, Alioto-Pier, Mar

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.)

(Supervisor Campos dissented in Committee.)

4/28/2009, CONTINUED ON FIRST READING. Supervisors Alioto-Pier and Mar requested to be added as co-sponsors.

Continued to May 5, 2009.

5/5/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

5/5/2009, AMENDED. Amended, Page 4, Lines 2-9, by adding "The guaranteed maximum PPA cost is \$60,218,619. The PUC shall not less than annually provide to the Board of Supervisors a report on the administration of the PPA and the lease. The report shall include, without limitation, the following information: (i) the progress of construction of the solar facility; (ii) the amount of energy produced by the facility; (iii) funds expended under the lease and PPA; (iv) material disputes under the lease and/or PPA; (v) other matters deemed relevant by PUC."

5/5/2009, AMENDED. Amending, Page 4, Line 21 through Page 5, Line 3. FAILED.

5/5/2009, AMENDED. Amending, Page 6, Line 10. FAILED.

5/5/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Alioto-Pier, Chiu

4. 080322 [Prohibition on loitering outside nightclubs]

Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Police Code by adding Section 121, to prohibit loitering outside nightclubs.

5/5/2009, AMENDED. Amended, Page 2, Line 20, deleting "misdemeanor."

5/5/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Maxwell

5. 090286 [Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements]

Supervisor Mirkarimi

Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

5/5/2009, PASSED ON FIRST READING AS DIVIDED. Supervisor Chu moved to divide the question relating to "uniformed Fire Department employees" located on Page 1, Lines 21-23.

The question relating to the "uniformed Fire Department employees" was passed by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Campos

Excused: 1 - Chu

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Mirkarimi, Mar, Maxwell

6. 090329 [Recreation and Park Department - Sharp Park]

Supervisors Mirkarimi, Daly, Campos

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

4/7/2009, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

5/5/2009, AMENDED. Amended, page 1, Line 21, changing date to "July 31." Amended, Page 2, Lines 5-7, adding "(b) No later than August 31, 2009, the Department shall provide to the Clerk of the Board of Supervisors a report detailing the steps taken, and the progress made, to achieve the goals set forth in subsection (a), above."

5/5/2009, AMENDED. Amended, Page 2, Line 1, adding "and the City of Pacifica and/or County of San Mateo."

5/5/2009, PASSED ON FIRST READING AS AMENDED. Supervisors Daly and Campos requested to be added as co-sponsors.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Chu, Campos, Duffy, Daly

7. 090285 [Adoption of Board of Supervisors 2009 Budget Process and Policy Priorities]
Supervisors Mirkarimi, Avalos
Resolution adopting the San Francisco Board of Supervisors' 2009 Budget Process and Policy
Priorities.
(Supervisor Chu dissented in Committee.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Chu, Campos, Duffy, Chiu

8. 090476 [Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]
Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell
Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.
(Fiscal Impact.)
(Supervisor Chu dissented in Committee.)

Question: Shall this Motion be APPROVED?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Chu

9. 090328 [Eligibility Criteria for Community Living Fund]
Supervisors Mirkarimi, Mar, Avalos
Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to
establish a pilot program using the Elder Economic Security Index Fund as a factor for determining
eligibility for the Community Living Fund.

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 090386 [Approval of Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - \$18,250,293.80]
Resolution approving Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 30-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, delete special tools that are no longer needed, and purchase training modules, at an additional cost of \$1,075,524 for a total contract amount not to exceed \$18,250,293.80.
(Municipal Transportation Agency)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

11. 090387 [Approval of Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - \$32,223,133.25]
Resolution approving Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 40-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, at an additional cost of \$2,520,000 for a total contract amount not to exceed \$32,223,133.25.
(Municipal Transportation Agency)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

12. 090370 [Amending PG&E Energy Conservation Revenue Contract]
Mayor
Resolution authorizing the Department of the Environment to amend a revenue contract with Pacific Gas and Electric Company ("PG&E") to add up to \$3,700,000 and to further amend such contract up to an additional \$3,000,000 to continue the Partnership Program between PG&E and the City and County of San Francisco for the Energy Use and Demand Reduction through Energy Efficiency Program.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

13. 090479 [Accept and Expend - U.S. Department of Housing and Urban Development Grant - \$3,000,000]
Mayor, Supervisor Dufty
Resolution authorizing the Mayor of the City and County of San Francisco retroactively to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$3,000,000.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

14. 090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)
(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

3/3/2009, CONTINUED. Continued to April 7, 2009.

4/7/2009, CONTINUED. Continued to May 12, 2009.

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

15. 090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]
Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.
- 3/3/2009, CONTINUED. Continued to April 7, 2009.
4/7/2009, CONTINUED. Continued to May 12, 2009.
- Question: Shall this Motion be APPROVED?**
16. 090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]
Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.
- 3/3/2009, CONTINUED. Continued to April 7, 2009.
4/7/2009, CONTINUED. Continued to May 12, 2009.
- Question: Shall this Motion be APPROVED?**
17. 090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.
- 3/3/2009, CONTINUED. Continued to April 7, 2009.
4/7/2009, CONTINUED. Continued to May 12, 2009.
- Question: Shall this Motion be APPROVED?**

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, May 11, 2009, at 10:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, May 12, 2009.

18. 090526 [Waiver of temporary street space occupancy fee on May 16, 2009 for Small Business Week Sidewalk Sale]
Mayor
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009 as part of Small Business Week.

Question: Shall this Ordinance be PASSED ON FIRST READING?

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, May 7, 2009, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, May 12, 2009.

(Only one of the following two motions should be approved.)

19. 090504 [Reappointment, Arts Commission - Cass Calder Smith]
Motion approving the Mayor's reappointment of Cass Calder Smith to the Arts Commission for the term ending January 15, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

20. 090505 [Reappointment, Arts Commission - Cass Calder Smith]
Motion rejecting the Mayor's reappointment of Cass Calder Smith to the Arts Commission for the term ending January 15, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

21. 090506 [Reappointment, Arts Commission - John Calloway]
Motion approving the Mayor's reappointment of John Calloway to the Arts Commission for the term ending January 15, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)
- Question: Shall this Motion be APPROVED?
22. 090507 [Reappointment, Arts Commission - John Calloway]
Motion rejecting the Mayor's reappointment of John Calloway to the Arts Commission for the term ending January 15, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)
- Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

23. 090508 [Appointment, Arts Commission - Amy Chuang]
Motion approving the Mayor's appointment of Amy Chuang to the Arts Commission for the term ending January 15, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

24. 090509 [Appointment, Arts Commission - Amy Chuang]
Motion rejecting the Mayor's appointment of Amy Chuang to the Arts Commission for the term ending January 15, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

25. 090510 [Appointment, Arts Commission - Leo Chow]
Motion approving the Mayor's appointment of Leo Chow to the Arts Commission for the term ending January 15, 2011.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)
- Question: Shall this Motion be APPROVED?
26. 090511 [Appointment, Arts Commission - Leo Chow]
Motion rejecting the Mayor's appointment of Leo Chow to the Arts Commission for the term ending January 15, 2011.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)
- Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)

27. 090512 [Reappointment, Retirement Systems Board - Richard Peterson, Jr.]
Motion approving the Mayor's reappointment of Richard Peterson, Jr. to the Retirement Systems Board for the term ending February 20, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

28. 090513 [Reappointment, Retirement Systems Board - Richard Peterson, Jr.]
Motion rejecting the Mayor's reappointment of Richard Peterson, Jr. to the Retirement Systems Board for the term ending February 20, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

(Only one of the following two motions should be approved.)**29. 090514 [Appointment, Commission on the Status of Women - Julie Soo]**

Motion approving the Mayor's appointment of Julie Soo to the Commission on the Status of Women for the term ending April 13, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

30. 090515 [Appointment, Commission on the Status of Women - Julie Soo]

Motion rejecting the Mayor's appointment of Julie Soo to the Commission on the Status of Women for the term ending April 13, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

Question: Shall this Motion be APPROVED?

31. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

32. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

CLOSED SESSION

(Pending approval of File No. 090565.)

33. 090566 [Closed Session - Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]
Supervisor Chin
Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.
- This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 34 through 41

34. 090565 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]
Supervisor Chiu
Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.
- 5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be APPROVED?**

35. 090535 [Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]
Supervisors Duffy, Mar, Mirkarimi, Daly
Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top priority for Federal Small Starts Funding.

4/28/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

5/5/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

5/5/2009, CONTINUED AS AMENDED. Supervisor Daly requested to be added as a co-sponsor.

Continued to May 12, 2009.

Question: Shall this Resolution be ADOPTED?

36. 090560 [Proclaiming May 17-23, 2009, as Public Works Week in San Francisco]
Supervisor Chiu
Resolution declaring May 17-23, 2009, as Public Works Week in San Francisco; acknowledging that the San Francisco Department of Public Works is an integral part of the community and has produced significant achievements; encouraging all San Francisco residents and businesses to work in collaboration with the department.

5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

37. 090561 [Issuance and Sale of Revenue Bonds - 178 Townsend Street Housing Project]
Supervisor Daly
Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments for Nonprofit Corporations in an aggregate principal amount not to exceed \$30,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. 090562 [Richmond/Senator Milton Marks Branch Library grand re-opening]
Supervisor Mar
Resolution recognizing the grand re-opening of the Richmond/Senator Milton Marks Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

39. 090563 [Commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco]
Supervisors Duffy, Maxwell
Resolution commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco.

5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. 090564 [Urging the Controller's Office to undertake a performance audit of the J Church Metro line]
Supervisors Duffy, Avalos
Resolution urging the Controller's Office to undertake a performance audit of the J Church Metro line.

5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

41. 090559 [Authorization for designated City and County officials to obtain federal financial assistance provided by the Department of Homeland Security]
Supervisor Alioto-Pier
Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the law of the State of California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California, including the following grants: Emergency Management Performance Grant, Hazard Mitigation Grant, Pre-Disaster Mitigation Grant, and Emergency Operations Center Grant.

5/5/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda: _____

42. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from April 28, 2009, to May 4, 2009, for reference by President to appropriate committee on May 12, 2009.

- 090501 [Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling \$5,923,143.27]**
Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003 as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees.

5/5/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from April 28, 2009, to May 4, 2009, for reference by President to appropriate committee on May 12, 2009.

- 090500 [Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]**
Resolution approving a settlement of a claim by the City and County of San Francisco against the Sprint/Nextel Corporation (Sprint) for the reconfiguration of the City's 800 MHz Radio Communications System.
(City Attorney)

5/1/2009, RECEIVED AND ASSIGNED to Rules Committee.

090571 [Petitions and Communications]

Petitions and Communications received from April 28, 2009, through May 4, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on May 12, 2009.

From Mimi, submitting request for waiver of Administrative Code Chapter 12B for Star Machine and Tool Company. (1)

From Department of Public Health, submitting notice that Swine Flu information is available at www.sfdph.org and public inquiries can call 311. (2)

From Department of Emergency Management, submitting a Swine Influenza update as of 5:50 p.m. on April 27, 2009. (3)

From Pat Missud, regarding the dangerous intersection of Alemany Boulevard and San Juan Avenue. 2 letters (4)

From concerned citizens, submitting support for proposal to initiate the process of restoring Sharp Park to a natural area. 51 letters (5)

From concerned citizens, submitting support for full funding of public access television. File No. 090287. Copy: Each Supervisor. 11 letters (6)

From Shona Gochenaur, submitting support for proposed resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries. File No. 090486 (7)

From Office of the Controller, submitting the results of a review of the Department of Elections for services to other districts. Copy: Each Supervisor (8)

From Ahimsa Sumchai, congratulating City Attorney Dennis Herrera for standing up to Mirant's Corporation. (9)

From Joan Wood, urging the Board of Supervisors to reject the MTA budget for fiscal year 2009-2010. (10)

From Alan Moody, commenting on the absentee style of the mayor and that he resigns if he continues to be absent. Copy: Supervisor Elsbernd (11)

From Francisco Da Costa, submitting letter regarding California Senators and other San Francisco City Officials. (12)

From Francisco Da Costa, submitting letter regarding California natural resources and water panders to big developers. (13)

From concerned citizens, urging the Board of Supervisors to protect the habitat and open space at Candlestick Point State Recreation Area. (14)

From Round the Diamond, urging the Board of Education and the Board of Supervisors to draft a resolution supporting the construction of a basketball education and career pathway arena, in collaboration with the Seawall Lot No. 337 development team, the Port of San Francisco and the City and County of San Francisco. Copy: Each Supervisor (15)

From State Senate Rules Committee, submitting reappointment of Margo Brown of Sacramento and Carole Migden of San Francisco as members of the California Integrated Waste Management Board. (16)

From Arthur Evans, commenting on proposed resolution regarding medical cannabis dispensaries. (17)

From Shirley Jaeger, commenting on proposal to cutting more services and increasing transportation fees. (18)

From Robert Burke, asking what, if anything is being done to prepare for the current Swine flu alert, and is anything being done to prepare for the Avian flu virus, should a mutant strain reassert itself? (19)

From Nikki Baker, submitting opposition to any increase for motorcycle parking in San Francisco. (20)

From State Fish and Game Commission, submitting notice of proposed regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to Marine protected areas. (21)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

05-14-09P03:06 RCVB

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, May 19, 2009 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

MAY 14 2009

Regular Meeting

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the April 21, 2009, and April 28, 2009, Board Meeting minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition I in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, public comment for this item will take place during general public comment.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 4

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly, Alioto-Pier

1. 090526 [Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale]
Mayor, Supervisor Dufty
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009, as part of Small Business Week.

5/12/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. 090478 [Accept and Expend - Department of Public Health Grant - \$402,342]
Supervisor Dufty
Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend a grant in the amount of \$402,342 from the Centers for Disease Control and Prevention (CDC) to support the Medical Monitoring Project (MMP); for the period of June 1, 2009, through May 31, 2010.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

3. 090503 [Appointments, Reentry Council - Tommy Escarcega, Mary Campbell, Gerald Miller and ShaMauda Bishop]
Motion appointing Tommy Escarcega, Mary Campbell, Gerald Miller and ShaMauda Bishop, terms to be determined, to the Reentry Council, residency requirement waived.
4. 090516 [Appointments, Eastern Neighborhoods Citizens Advisory Committee]
Motion appointing Keith Goldstein, Eric Smith, Susan Eslick, Jared Doumani, Chris Durazo, David Ho, Chris Block, Eric Quezada, terms to be determined by lot, to the Eastern Neighborhoods Citizens Advisory Committee, residency requirement waived.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

5. 090287 [State Video Franchise Holders]

Supervisors Mirkarimi, Daly

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

5/5/2009, CONTINUED ON FIRST READING. Supervisor Daly requested to be added as a co-sponsor.

Continued to May 19, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Avalos, Chu

6. 090328 [Eligibility Criteria for Community Living Fund]

Supervisors Mirkarimi, Mar, Avalos

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to establish a pilot program using the Elder Economic Security Index Fund as a factor for determining eligibility for the Community Living Fund.

5/12/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

7. 090405 [Accept and Expend - Emergency Shelter Grants Program - \$979,606]
Mayor
Resolution approving the fiscal year 2009/2010 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$938,867 and to expend Reprogrammed Funds in the amount of \$40,739.
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?
8. 090406 [Accept and Expend - HOME Program - \$8,602,628]
Mayor
Resolution approving the fiscal year 2009/2010 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$8,602,628.
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?
9. 090407 [Accept and Expend - Community Development Block Grant (CDBG) - \$23,072,426]
Mayor
Resolution approving the fiscal year 2009/2010 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$21,092,426 and to expend Program Income and Reprogrammed Funds in the amount of \$1,980,000.
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?
10. 090572 [Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]
Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell
Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.
(Fiscal Impact.)
(Supervisors Chu and Duffy dissented in Committee.)
- Question: Shall this Motion be APPROVED?

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

11. 090450 [Approval of Sheriff's Contract for Jail Commissary and Inmate Trust Fund Accounting & Management System with ARAMARK Correctional Services, LLC]
Resolution approving a contract for operating the Sheriff's Jail Commissary and Inmate Trust Fund Accounting & Management System, between ARAMARK Correctional Services, LLC. (ARAMARK), and the City and County of San Francisco, acting by and through its Sheriff's Department.
(Sheriff)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

12. 081600 [Closing Potrero Power Plant, adopting clean energy goals, and updating the Electricity Resource Plan]
Supervisors Maxwell, Alioto-Pier
Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and establishing clean energy goals; and urging the Public Utilities Commission to update the Electricity Resource Plan.

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. 090421 [Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]
Mayor
Ordinance amending Chapter 24A of the Administrative Code "Administrative Structure Local Rent Supplement Program in the Office of the Mayor," Section 24A.08, related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 090474 [Divided ownership of Real Ownership Opportunities for Tenants (ROOTS) program projects comprised of separate legal parcels]
Supervisor Chiu
Ordinance amending San Francisco Board of Supervisors Ordinance No. 34-07 by permitting projects that are the subject of Real Ownership Opportunities for Tenants (ROOTS) program grants to be comprised of separate legal parcels.

Question: Shall this Ordinance be PASSED ON FIRST READING?

15. 090475 [Exceptions to Seismic Safety Loan Program requirements to amend loan to 53 Columbus Avenue]
Supervisor Chiu
Ordinance approving exceptions to requirements under San Francisco Administrative Code Sections 66 and 66A and the Seismic Safety Loan Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to amend an existing Seismic Safety Loan Program ("SSLP") loan for a project at 53 Columbus Avenue, San Francisco, California, to allow for cooperative housing and a transfer of the commercial portion of the project improvements.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

16. 090199 [Conflict of Interest Code Amendments]
Supervisor Daly
Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-417, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350, 3.1-400 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

4/14/2009, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

4/14/2009, RE-REFERRED to Rules Committee. Supervisor Daly requested to be added as sponsor.

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 090394 [Settlement of Lawsuit - San Francisco Pier 33 LLC - \$225,000]
Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for \$225,000; the lawsuit was filed on July 9, 2007, in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014.
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 090455 [Settlement of Claim - Marsanne Weese - \$26,974.20]
Resolution approving the settlement of the unlitigated claim submitted by Marsanne Weese against the City and County of San Francisco for \$26,974.20; claim was submitted on September 26, 2008.
(City Attorney)

Question: Shall this Resolution be ADOPTED?

19. 090470 [Appointment, Entertainment Commission - Nicky Calma]
Motion approving the Mayor's nomination for appointment of Nicky Calma to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2009.
(Clerk of the Board)
(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date—4/14/09.)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the City Operations and Neighborhood Services Committee at a Special Meeting on Monday, May 18, 2009, at 10:30 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, May 19, 2009.

20. 080323 [Place of Entertainment Permits and Board of Appeals procedures]

Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Police Code by amending Sections 2.26, 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.24, 1060.25 and 1060.29, by adding Sections 1060.20.1, 1060.20.2, 1060.20.3, 1060.20.4, 1060.24.1, 1060.24.2, 1060.29.1, 1060.30, 1060.31, 1060.32, 1060.33, 1060.34, 1060.35, 1060.36, and 1060.37, by repealing Sections 1060.4, 1060.20, and 1060.22, and by adding new Sections 1060.4 and 1060.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits (now called "One Time Event Permits"), including changes in penalties, and amending the San Francisco Business and Tax Regulations Code by amending Sections 8 and 26 to provide the time for appealing to the Board of Appeals, to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeals, and to clarify the standards governing the review of permits.

10/28/2008, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

2/24/2009, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 080324 [Extended-Hours Premises Permits]

Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Police Code by amending Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.19, 1070.22, and 1070.24, by adding Sections 1017.17.1, 1017.17.2, 1017.17.3, 1070.28, 1070.29, 1070.30, 1070.31, 1070.32, 1070.33, and 1070.34; by repealing Sections 1070.4, 1070.17, 1070.20, 1070.20-1, 1070.21, and 1070.26; and by adding new Sections 1070.4, 1070.17, and 1070.20, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties.

10/28/2008, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

2/24/2009, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 090550 [Authorizing submittal of application for Transit Oriented Development (TOD) Funds]
Mayor, Supervisor Dufty
Resolution authorizing the submittal of an application by the Mayor's Office of Housing to the California State Department of Housing and Community Development for funding under the Transit Oriented Development (TOD) housing program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the Transit Oriented Development (TOD) housing program.

Question: Shall this Resolution be ADOPTED?

23. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

24. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 25 through 30

25. 090591 [Lyme Disease Awareness Month - May 2009]
Supervisors Alioto-Pier, Dufty
Resolution declaring May 2009 as Lyme Disease Awareness Month.

5/12/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
26. 090592 [Opposing the elimination of the State Department of Boating and Waterways]
Supervisor Alioto-Pier
Resolution opposing Governor Arnold Schwarzenegger's proposed elimination of the California Department of Boating and Waterways (DBW).

5/12/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

27. 090593 [Commending Community Behavioral Health Services (CBHS)]
Supervisor Avalos
Resolution commending Community Behavioral Health Services (CBHS) on its exemplary work implementing the Mental Health Services Act (MHSA).

5/12/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
28. 090594 [Supporting recognition of married same-sex couples in the 2010 Census.]
Mayor, Supervisors Dufty, Mirkarimi, Mar, Elsbernd, Campos, Alioto-Pier, Chiu
Resolution calling for the recognition of legally married same-sex couples in the 2010 Census and for federal agencies to include lesbian, gay, bisexual and transgender individuals in all federal surveys and data collection.

5/12/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
29. 090577 [Final Map - 7 Casa Way]
Motion approving Final Map 4306, a Five Unit Residential Condominium Conversion Project, located at 7 Casa Way being a subdivision of Lot No. 014 in Assessors Block No. 0418A and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,162; District 2.)

5/8/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
30. 090578 [Final Map - 3148-3150 Geary Boulevard]
Motion approving Final Map 5031, a Seven Unit Residential and One Commercial Mixed-Use Condominium Project, located at 3148-3150 Geary Boulevard being a subdivision of Lot No. 028 in Assessors Block No. 1066 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,163; District 2.)

5/8/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference Agenda: _____

31. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from May 5, 2009, to May 11, 2009, for reference by President to appropriate committee on May 19, 2009.

090575 [Hunters View - Street Vacation Order]

Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance.
(Public Works Department)

5/5/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090595 [Settlement of Lawsuit - Daniel Alvarenga - \$82,500]

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for \$82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco et al.
(City Attorney)

5/13/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from May 5, 2009, to May 11, 2009, for reference by President to appropriate committee on May 19, 2009.

- 090573** [Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]
Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2009, to September 30, 2010.
(Treasure Island Development Authority)

5/5/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090574** [Hunters View - Resolution of Intent for Street Vacation]
Resolution declaring the intention of the Board of Supervisors to vacate portions of Fairfax Avenue and West Point Road and various public service easements in the Hunters View Project; setting a hearing date for all persons interested in the proposed vacation of said street areas.
(Public Works Department)

5/5/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

- 090579** [Approval of three contracts for the Department of Public Health totaling \$84,322,248]
Resolution authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health and substance abuse counseling services for clients enrolled in the CalWORK's Welfare to Work Program; integrated substance abuse, mental health and medical services for clients in the Opiate Treatment Program; and fiscal intermediary services related to the San Francisco Mental Health Plan's for Community Behavioral Health Services (CBHS), Residential Care Facilities, Private Provider Network, Mental Health Wraparound Services, and Department's Housing and Urban Health's Emergency Housing Program for the terms of July 1, 2009, through June 30, 2013, and July 1, 2009, through June 30, 2012.
(Public Health Department)

5/8/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED MOTIONS

Proposed motions received from May 5, 2009, to May 11, 2009, for reference by President to appropriate committee on May 19, 2009.

None.

090621 [Petition and Communications]

Petitions and Communications received from May 5, 2009, through May 11, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on May 19, 2009.

From Office of the Controller-City Services Auditor, submitting the street and sidewalk maintenance annual report, fiscal year 2007-08. (1)

From Sue Vaughan, urging the Board of Supervisors to reject the Municipal Transportation Agency budget and send it back to the Municipal Transportation Agency for changes. (2)

From Arthur Evans, commenting that San Francisco is a hub of international narco symbiosis. (3)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from May 1, 2009, until May 8, 2009. Supervisor Alioto-Pier, Supervisor Elsbernd and Supervisor Chu will serve as Acting Mayor. Copy: Each Supervisor, City Attorney (4)

From Emile Lawrence, submitting copy of letter sent to the Director of Taxis and Accessible Services regarding Proposition K reform. (5)

From Ivan Pratt, regarding emergency preparedness rechargeable flash lights powered by solar light energy. (6)

From Kimo Crossman, submitting request that SFGTV broadcast the Sunshine/Ethics meetings. (7)

From Irma Dillard, submitting support for funding a LAFCO managed Clean Power SF project. (8)

From Irma Dillard, requesting the Board of Supervisors take the lead to work with community groups and the Public Utilities Commission to immediately hire the lead contractor to complete a Clean Power SF Request for Proposals, which supports the strongest possible local renewable energy and efficiency construction plan. (9)

From Arthur Evans, commenting on the Public Safety Committee meeting held on May 4, 2009. (10)

From Cynthia Servetnick, commenting on the tension between labor and the far-left in San Francisco. (11)

From Municipal Transportation Agency, regarding report on the baseline of services provided to the Mission Commercial Corridor. (Reference No. 2009317-008) (12)

From Capital Planning Program, submitting the Capital Plan for fiscal years 2010-2019. (13)

From concerned citizens, urging the Board of Supervisors to protect the habitat and open space at Candlestick Point State Recreation Area. 5 letters (14)

From Ahimsa Sumchai, submitting a copy of letter to State Department of Housing and Development Infill Program regarding proposal submitted on behalf of Lennar Corporations for funding of its housing activities at the Hunters Point Shipyard. (15)

From Sunshine Ordinance Task Force, submitting 2008 Annual Report. (16)

From Office of the Controller, Submitting FY 2008-09 Nine-Month Budget Status Report. (17)

From SF Public Utilities Commission, submitting a copy of Resolution 09-0074, 09-0075, and 09-0076 adopting schedule of rates and fees. (18)

From Office of the Controller – City Services Auditor, submitting a copy of the Airport Commission – Compliance Audit of Continental Airlines, Inc. (19)

From State of California Fish and Game Commission, submitting copy of Notice of Proposed Changes in Regulations regarding longfin smelt. (20)

From Recreation and Park Department, submitting 3rd Quarter Status Report regarding Lead Poisoning Prevention. (21)

From concerned citizens, expressing concerns regarding the budget discussions related to “brownouts” at the SF Fire Department. 12 letters (22)

From Department of Public Works, regarding the status of graffiti cleanup at various locations in District 5. (Reference Nos. 20090421-002, 20090414-005, 20090324-005, and 20090421-003) (23)

From Alliance for a Better District 6, submitting support for proposed ordinance regarding Extended-Hours Premises permits. File No. 080324, Copy: City Operations & Neighborhood Services Committee. (24)

From Emil Lawrence, regarding Fee Increases for City & County Taxi Authorities. (25)

From Emil Lawrence, regarding the MTA releasing the hold on present Proposition K authorities. (26)

From Reverend McBride, submitting opposition to the proposed ordinance that would prohibit loitering outside of nightclubs. File No. 080322 (27)

From Public Utilities Commission of the State of California, submitting a copy of Joinder In Motion Of Golden Gate Bridge, Highway and Transportation District to consolidate application No. A.09-01-016 and complaint No. C. 09-03-019 (Red & White Ferries, Inc.) (28)

From Public Utilities Commission of the State of California, submitting a copy of Joinder In Motion Of Golden Gate Bridge, Highway and Transportation District To Prohibit Further EX Parte Communications (Red & White Ferries, Inc.) (29)

From James Chaffee, submitting letter entitled “ The Lessons of the Great Depression”, dated May 5, 2009. (30)

From SF Homeless Yahoo Group, expressing various concerns and opinions regarding the homeless. 5 Letters (31)

From Ann Garrison, submitting opposition to the Recurrent corporate solar contract. (32)

From concerned citizens, submitting support to keep Sharp Park as a public golf course. File No. 090329, 2 Letters (33)

From Jim Meko, submitting information regarding the upcoming Complete Neighborhood Fabric Committee meeting to be held on May 14, 2009, 6 PM, City Hall, Room 421. (34)

From Hennie Wisniewski, submitting suggestions for Muni fare increases. (35)

ADJOURNMENT



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

05-22-09A08:24 REVD

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Wednesday, May 27, 2009 12:00 PM
Special Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY 22 2009

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MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings. For information, call (415) 554-5184.

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ROLL CALL AND PLEDGE OF ALLEGIANCE

COMMUNICATIONS

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

1. 090572 [Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]
Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell
Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.
(Fiscal Impact.)
(Supervisors Chu and Duffy dissented in Committee.)

5/19/2009, CONTINUED. Continued to May 27, 2009 (Special Meeting, Wednesday, at 12:00 p.m.).

Question: Shall this Motion be APPROVED?

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, June 2, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsuprvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

05-29-09A08:06 RCVE

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DOCUMENTS DEPT

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Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the May 5, 2009, and May 12, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 18

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

1. 090542 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]
Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee and public parking management services, information booth services, security services, and shuttle bus services (Airport); paratransit services, security services, parking citation and collection, janitorial - various facilities, meter collection and coin counting, towing services, and transit shelter maintenance services (MTA); janitorial and security services (Port).
(Mayor)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

2. 090549 [Accept and Expend - State of California CalHome Grant - Fiscal Year 2009]
Mayor
Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the California Department of Housing and Community Development (HCD) in a total amount not to exceed \$1,500,000 to assist low income first time homebuyers and low income homeowners.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. 090421 [Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]
Mayor
Ordinance amending Chapter 24A of the Administrative Code "Administrative Structure Local Rent Supplement Program in the Office of the Mayor," Section 24A.08, related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009.

5/19/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 090474 [Divided ownership of Real Ownership Opportunities for Tenants (ROOTS) program projects comprised of separate legal parcels]
Supervisor Chiu
Ordinance amending San Francisco Board of Supervisors Ordinance No. 34-07 by permitting projects that are the subject of Real Ownership Opportunities for Tenants (ROOTS) program grants to be comprised of separate legal parcels.

5/19/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. 090475 [Exceptions to Seismic Safety Loan Program requirements to amend loan to 53 Columbus Avenue]
Supervisor Chiu
Ordinance approving exceptions to requirements under San Francisco Administrative Code Sections 66 and 66A and the Seismic Safety Loan Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to amend an existing Seismic Safety Loan Program ("SSLP") loan for a project at 53 Columbus Avenue, San Francisco, California, to allow for cooperative housing and a transfer of the commercial portion of the project improvements.

5/19/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present Supervisors Daly, Chu, Campos

6. 090199 [Conflict of Interest Code Amendments]
Supervisor Daly

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-417, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350, 3.1-400 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

4/14/2009, SUBSTITUTED Supervisor Daly submitted a substitute ordinance bearing new title.

4/14/2009, RE-REFERRED to Rules Committee. Supervisor Daly requested to be added as sponsor.

5/19/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. 090394 [Settlement of Lawsuit - San Francisco Pier 33 LLC - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for \$225,000; the lawsuit was filed on July 9, 2007, in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014.
(City Attorney)

5/19/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 090484 [Appointments, Graffiti Advisory Board - Leigh Ann Baughman, Paul Giusti and Jana Lord]
Motion appointing Leigh Ann Baughman, Paul Giusti and Jana Lord, terms ending April 10, 2011, to the Graffiti Advisory Board, residency requirement waived.

Question: Shall this Motion be APPROVED?

9. 090610 [Appointment, Sweatfree Procurement Advisory Group - Christopher Honigsberg]
Motion appointing Christopher Honigsberg, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group.

Question: Shall this Motion be APPROVED?

10. 090611 [Appointment, In-Home Supportive Services Public Authority - Ethel Richardson]
Motion appointing Ethel Richardson, term ending March 1, 2010, to the In-Home Supportive Services Public Authority.

Question: Shall this Motion be APPROVED?

11. 090612 [Appointment, Immigrant Rights Commission - Joaquin Gonzalez]
Motion appointing Joaquin Gonzalez, term ending June 6, 2010, to the Immigrant Rights Commission.
- Question: Shall this Motion be APPROVED?
12. 090613 [Appointment, Sunshine Ordinance Task Force - Marjorie Ann Williams]
Motion appointing Marjorie Ann Williams, term ending April 27, 2011, to the Sunshine Ordinance Task Force.
- Question: Shall this Motion be APPROVED?
13. 090614 [Appointments, Bicycle Advisory Committee - Marc Brandt and Jake Wegmann]
Motion appointing Marc Brandt and Jake Wegmann, terms ending November 19, 2010, to the Bicycle Advisory Committee.
- Question: Shall this Motion be APPROVED?
14. 090615 [Appointment, Veterans Affairs Commission - Michael Thompson]
Motion appointing Michael Thompson, term ending January 31, 2013, to the Veterans Affairs Commission.
- Question: Shall this Motion be APPROVED?
15. 090617 [Appointment, Commission on the Aging Advisory Council - Alexander MacDonald]
Motion appointing Alexander MacDonald, term ending March 31, 2010, to the Commission on the Aging Advisory Council.
- Question: Shall this Motion be APPROVED?
16. 090618 [Appointment, Citizens' General Obligation Bond Oversight Committee - Thea Selby]
Motion appointing Thea Selby, term ending November 21, 2010, to the Citizens' General Obligation Bond Oversight Committee.
- Question: Shall this Motion be APPROVED?
17. 090619 [Appointments, Asthma Task Force - Pavlos Politopoulos and Ann Togia]
Motion appointing Pavlos Politopoulos and Ann Togia, terms ending July 1, 2011, to the Asthma Task Force.
- Question: Shall this Motion be APPROVED?
18. 090620 [Appointments, San Francisco Health Authority - Susan Currin and Maria Luz Torre]
Motion appointing Susan Currin, term ending January 15, 2012 and Maria Luz Torre, term ending January 15, 2010 to the San Francisco Health Authority, residency requirement waived.
- Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated:

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

19. 090287 [State Video Franchise Holders]
Supervisors Mirkarimi, Daly, Avalos
Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.
(Supervisor Chu dissented in Committee.)

5/5/2009, CONTINUED ON FIRST READING. Supervisor Daly requested to be added as a co-sponsor.

Continued to May 19, 2009.

5/19/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisor Avalos requested to be added as a co-sponsor.

5/19/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

20. 081600 [Closing Potrero Power Plant and updating the Electricity Resource Plan]
Supervisors Maxwell, Alioto-Pier
Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and establishing clean energy goals; and urging the Public Utilities Commission to update the Electricity Resource Plan.

5/19/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

5/19/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

Present: Avalos, Mirkarimi, Chu

21. 090527 [Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009; Mayor's Summer Food Service Program and the Afterschool Snack Program - 2009]
Mayor
Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of \$885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.
(Fiscal Impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
22. 090499 [Ratification of increases to prior professional service contracts for health and behavioral health services]
Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the total contract amounts and extend the terms of those contracts through December 31, 2010.
(Public Health Department)
(Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?
23. 090556 [Amendment to the City's contract with Office Depot to increase the dollar amount by more than \$500,000]
Supervisor Duffy
Resolution approving the Seventh Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to \$19,345,441 pursuant to Charter Section 9.118(b).
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

24. 090274 [Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]
Supervisor Alioto-Pier
Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Daly, Chu, Campos

25. 090616 [Appointment, Children and Families First Commission - Supervisor Eric Mar]
Motion appointing Supervisor Eric Mar, for an indefinite term, to the Children and Families First Commission.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Thursday, May 28, 2009, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 2, 2009.

26. 090569 [Resolution of Intention to renew the Union Square Business Improvement District, to be known as the Greater Union Square Business Improvement District]
Supervisor Chiu
Resolution (1) declaring the intention of the Board of Supervisors to renew the property-based Union Square business improvement district, to be known as the "Greater Union Square Business Improvement District," and to levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

5/19/2009, SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing same title.

Question: Shall this Resolution be ADOPTED?

27. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

28. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 29 through 35

29. 090653 [Accept and Expend State Grant - Fire Department - \$25,000]
Supervisor Alioto-Pier
Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of \$25,000 from the State of California, Department of Fish and Game, Office of Spill Prevention and Response, to purchase oil spill response equipment.
- 5/19/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
30. 090654 [Accept and Expend State Grant - Department of Public Health - \$2,672]
Supervisor Alioto-Pier
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant in the amount of \$2,672 from the California Department of Pesticide Regulation (CDPR) to support Pesticide Use Reporting; for the period of July 1, 2009, through June 30, 2010.
- 5/19/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
31. 090655 [Commending Deputy City Attorney Jacqueline Minor]
Supervisors Campos, Maxwell, Duffy, Elsbernd
Resolution commending Jacqueline Minor for more than ten years of exemplary public service to San Francisco as a Deputy City Attorney on the Government Team, the Energy and Telecommunications Team and at the San Francisco Unified School District, and wishing her well in her future endeavors as General Counsel for the Oakland Unified School District.
- 5/19/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
32. 090656 [Support for Citywide bicycle improvements]
Supervisors Chiu, Duffy
Resolution urging city departments to prioritize completion of the City Bike Plan and to work with appropriate decision makers to ensure the advancement of physical and policy improvements to encourage and boost bicycling for transportation.
- 5/19/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

33. 090657 [Urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fines for fare evasion for first, second and third time offenders]

Supervisors Dufty, Chiu

Resolution urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fine for first time fare evasion from \$50 to \$75 and increase the fine for second time fare evaders to \$250 and increase the fine for third time fare evaders to \$500.

5/19/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. 090658 [California State Budget - Opposing the use of additional local property tax funds]

Supervisors Maxwell, Chiu

Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.

5/19/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. 090660 [Municipal Transportation Agency (MTA) Transit Justice Budget Alternative]

Supervisor Avalos

Resolution urging the Municipal Transportation Authority (MTA) to adopt the Transit Justice Budget Alternative which proposes rollbacks on certain fare increases, restorations of specific service lines, and alternative revenue sources.

5/19/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference

Agenda: _____

36. IMPERATIVE AGENDA

Resolutions(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from May 12, 2009, to May 22, 2009, for reference by President to appropriate committee on June 2, 2009.

090596 [Settlement of Lawsuit - Vivian Ross - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

5/15/2009, RECEIVED AND ASSIGNED to Rules Committee.

090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of \$30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

5/15/2009, RECEIVED AND ASSIGNED to Rules Committee.

- 090667** [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - \$63,500]
Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of \$4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to plaintiffs and their counsel for damages and attorneys' fees.
(City Attorney)

5/26/2009, RECEIVED AND ASSIGNED to Rules Committee.

- 090670** [Revisions to Division I of the San Francisco Transportation Code]
Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 7.2.12, 7.2.26, 7.2.28, 7.2.29, 7.2.71, 7.2.101, 7.3.3, and 8.1 to change existing posting requirements for temporary parking restriction signs; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that exceeding the permissible use of a Special Traffic Permit is a violation of Section 7.2.71; provide that obstructing traffic four or more times within one year without a Special Traffic Permit, or in violation of the terms of a Special Traffic Permit, is a misdemeanor; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line; and to repeal noticing requirements for towing vehicles on public streets; repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park; and making revisions to clarify applicable restrictions and references to Division II.
(Municipal Transportation Agency)

5/21/2009, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/20/2009.

PROPOSED RESOLUTIONS

Proposed resolutions received from May 12, 2009, to May 22, 2009, for reference by President to appropriate committee on June 2, 2009.

- 090598** [Official Advertising]
Resolution designating the Examiner as the official newspaper of the City and County of San Francisco for the categories of Type 1 and Type 2 official advertising, from July 1, 2009, through June 30, 2010.
(Office of Contract Administration)

5/18/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090599** [Outreach Advertising for Fiscal Year 2009-2010]
Resolution designating the Bay Area Reporter to be the outreach newspaper of the City and County for the Gay, Lesbian, Bisexual community, and El Reportero to be the outreach newspaper of the City and County for the Hispanic community, to provide outreach advertising for Fiscal Year 09-10.
(Office of Contract Administration)

5/18/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090668 [Settlement of Unlitigated Claim - Barry Louis Mangels - \$100,000]

Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for \$100,000; claim was filed on March 11, 2009.
(City Attorney)

5/26/2009, RECEIVED AND ASSIGNED to Rules Committee.

090669 [Settlement of Potential Litigation - Dolly A. Cool - \$84,126.98]

Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for \$84,126.98.
(City Attorney)

5/26/2009, RECEIVED AND ASSIGNED to Rules Committee.

090672 [Petitions and Communications]

Petitions and Communications received from May 12, 2009, through May 22, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 2, 2009.

From Office of the Controller, submitting the Biannual and Monthly Overtime report listing the five City departments using the most overtime in the preceding month. Copy: Each Supervisor (1)

From Office of the Controller, submitting the Controller's Annual Report on Contracting Out. Copy: Each Supervisor (2)

From Department of Public Works, submitting the Quarterly Report for the Department of Public Works Defective Sidewalk Repair Revolving Account for the period January 1, 2009, through March 31, 2009. (3)

From Progressive Jewish Alliance, submitting support for appointment of Mary Rick to the Sweatfree Procurement Advisory Group. Copy: Each Supervisor (4)

From Eula Walters, submitting opposition to naming Ferry Park "Sue Bierman Park" in San Francisco. (5)

From Office of the Controller, submitting a cost-benefit analysis of site alternatives the City's Department of Technology is considering with respect to its current data center located at One Market Plaza. (Reference No. 20090331-001) (6)

From James Chaffee, submitting letter regarding the Friends and Foundation of the Public Library disclosing charitable contributions as required by the Sunshine Ordinance. 2 letters (7)

From Office of the Mayor, submitting appointment of Jean-Paul Samaha as a member of the Treasure Island Development Authority Board of Directors. Copy: Rules Clerk (8)

From Office of the Mayor, submitting appointment of Alan Mok as a member of the Environment Commission. Copy: Rules Clerk (9)

From Office of the Mayor, submitting appointment of Jamal Dajani as a member of the Human Rights Commission. Copy: Rules Clerk (10)

From Office of the Mayor, submitting appointment of Sarah Wan as a member of the Juvenile Probation Commission. Copy: Rules Clerk (11)

From Office of the Mayor, submitting appointment of Julian Chang as a member of the Juvenile Probation Commission. Copy: Rules Clerk (12)

From Office of the Mayor, submitting appointment of Teresa Ono as a member of the Library Commission. (13)

From concerned citizens, submitting support for proposal to initiate the process of restoring Sharp Park to a natural area. 56 letters (14)

From Planning Department, submitting notice of preparation of an Environmental Impact Report for the Parkmerced Project at 3711 Nineteenth Avenue. (15)

From Miraloma Park Improvement Club, requesting prompt implementation of the voters' approval in 2008 of the establishment of the Historic Preservation Commission. Copy: Rules Clerk (16)

From Office of the Mayor, submitting appointment of James Buckley as a member of the Historical Preservation Commission with the appointment to be effective upon approval by the Board of Supervisors. Copy: Rules Clerk (17)

From concerned citizens, submitting opposition to closing Sharp Park Golf Course. 2 letters (18)

From Arthur Evans, commenting on the May 18, 2009, Public Safety Committee. (19)

From Arthur Evans, submitting his recommendations for reforming the Board of Supervisors. (20)

From concerned citizens, submitting opposition to resolving the city's budget issues with fire station "Brown Outs." 9 letters (21)

From Emil Lawrence, suggesting an investigation of the Municipal Transportation Authority hiring practices is needed. Copy: Each Supervisor (22)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from May 22, 2009, until May 26, 2009. Supervisor Elsbernd and Supervisor Duffy will serve as Acting Mayor. (23)

From Paratransit Coordinating Council, concerning the plan to eliminate the 89 Laguna Honda bus line. (24)

From Arthur Evans, regarding the Public Safety Committee's failure to deal with the gunplay epidemic in San Francisco. (25)

From Laura Spanjian, submitting information regarding Enxco. (26)

From Planning Department, submitting the environmental review documents for the Parkmerced Project. (27)

From Municipal Transportation Agency, submitting the Overtime Justification Report for November 1, 2008, through March 6, 2009. Copy: Each Supervisor (28)

From Kimo Crossman, submitting letter entitled "overdue secret again Mr. Vein promised to post details online WRT Broadband application for San Francisco" dated May 20, 2009. (29)

From Capital Planning Committee, submitting recommendations for the November 2009 Safe Streets and Road Repair General Obligation Bond. Copy: Each Supervisor, Budget Clerk (30)

From Urban Counties Caucus, regarding the significant fiscal crisis that the nation is facing and the fact that California is especially hit hard. (31)

From Office of the Controller, submitting a cost-benefit analysis of site alternatives the City's Department of Technology is considering with respect to its current data center located at One Market Plaza. (32)

From Renaissance Entrepreneurship Center, submitting support for ShaMauda Bishop of Simply Fabulous Beauty Salon for a seat on the Reentry Council. File No. 090503 (33)

From Human Services Agency, submitting request for waiver of Administrative Code Chapter 12B for Safeway Inc. (34)

From Pat Missud, regarding the dangerous intersection at Alemany Boulevard and San Juan Avenue. (35)

From concerned citizens, submitting opposition to any Muni fare hikes and the hiring of 48 new managers. File No. 090572, 5 letters (36)

From concerned citizens, commenting on the new rent control proposals. Copy: Supervisors Mar, Chiu, Maxwell, Daly, 5 letters (37)

From Jody Weisenfeld, urging the Board of Supervisors to do everything possible to bring "Trauma" and Open 4 Business Productions back to San Francisco. (38)

From Eula Walters, urging the Board of Supervisors to reject Roma Architects architectural drawing of proposed changes to Ferry Park that is a French-like design of curley-Q sidewalks that only the homeless will find useful with the new benches. Copy: Each Supervisors (39)

From Jennifer Friedenbach, submitting notice of rally on June 10, 2009, to stop the cuts to poor/working people and resist the recession at Hallidie Plaza (Powell and Market Streets) at 3:00 p.m. (40)

From Monica Visini, commenting on an article in the May 21, 2009, SF Examiner regarding billboard. (41)

From Josh Wolf, submitting a plea for public access television. (42)

From Francisco Da Costa, regarding the failed Muni system. (43)

From Francisco Da Costa, regarding Treasure Island sinking at all levels. (44)

From Francisco Da Costa, regarding SF Public Utilities Commission failure to help San Francisco when it comes to energy issues. (45)

From Roger Machin, submitting copy of letter sent to Mayor Newsom regarding changing the policy on graffiti by amending the legislation. Copy: Each Supervisor (46)

From Department of Public Works, regarding status of repairing potholes at various locations in District 5. (Reference No. 20090324-003) (47)

From City Attorney, regarding request to draft legislation that would require that the city, and through the leadership of the Department of Technology, annually develop and adopt a 10-year Technology Investment Plan for all. (Reference No. 20090331-002) (48)

From Alice Gaylord, submitting the public meeting notice for the GP/TODCO-A. (49)

From Glenn Havlan, submitting notice that the SF Free Civic Theater will be presenting "Western Rules" free of charge at the Randall Museum Theater on June 4-7, 2009, and the Eureka Valley Recreation Center Auditorium on June 11-14, 2009. (50)

From Planning Department, submitting notice that the 246 Ritch Street project is receiving environmental review. (51)

From Pinky Kushner, commenting that the Sierra Club is opposed to any entrance fees for the Strybing Arboretum in Golden Gate Park. (52)

From Curtis Kifer, regarding Golden Gate Park greenery being trampled on by some people attending special events at Golden Gate Park. (53)

From Aaron Goodman, regarding the SF Municipal Transportation Agency (MTA) budget. (54)

From Aaron Goodman, regarding the Planning Department's Discretionary Review Process. (55)

From Joe Hummel, commenting on jobs and the immigration policy in San Francisco. Copy: Each Supervisor (56)

From Joe Acosta, regarding the bicycle plan in San Francisco. (57)

From Phyllis Stevens, regarding Candlestick Point Park State Recreation Area. (58)

From Ivan Pratt, regarding the potential health problems in the Tenderloin district. 2 letters (59)

From Law Office s of Allan Lerch and Associates, submitting notice of claim against public entity and/or hospital district pursuant to Division 3.6 of the Government Code of the State of California. Copy: City Attorney (60)

From US Army Corps of Engineers, regarding the Ritz-Carlton Napa Valley Resort. (61)

From US Army Corps of Engineers, regarding the Fulton Road Mitigation Bank. (62)

From US Army Corps of Engineers, regarding the Healdsburg Veterans Memorial Beach. (63)

From National Sexuality Resource Center, submitting the 2008 National Sexuality Resource Center Annual Report. (64)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO



AGENDA

06-05-09A06137 3500

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, June 9, 2009 2:00 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUN - 5 2009

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DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings. For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 and 2

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

1. 090527 [Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009; Mayor's Summer Food Service Program and the Afterschool Snack Program - 2009]
- Mayor
- Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of \$885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program. (Fiscal Impact.)

6/2/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

2. 090274 [Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]
Supervisor Alioto-Pier
Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

6/2/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Budget and Finance Subcommittee**

Present: Supervisors Avalos, Mirkarimi, Chu

3. 090287 [State Video Franchise Holders]
Supervisors Mirkarimi, Daly, Avalos
Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1, and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1, and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.
(Supervisor Chu dissented in Committee.)

5/5/2009, CONTINUED ON FIRST READING. Continued to May 19, 2009. Supervisor Daly requested to be added as a co-sponsor.

5/19/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisor Avalos requested to be added as a co-sponsor.

5/19/2009, PASSED ON FIRST READING AS AMENDED.

6/2/2009, CONTINUED ON FINAL PASSAGE. Continued to June 9, 2009.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present. Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

4. 090543 [Revising Board of Appeals Filing Fees]

Mayor

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

5. 090544 [Revising Board of Appeals Surcharges]

Mayor

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

6. 090548 [Appropriating \$58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]

Mayor, Supervisor Dufty

Ordinance appropriating \$58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds. (Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

7. 090636 [CEQA Findings and Approval of Real Property Agreements for SFPUC Water System Improvement Program San Andreas Pipeline No. 3 Installation Project beginning at the San Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco] Supervisor Elsbernd
- Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the San Andreas Pipeline No.3 Installation Project, CUW 37901; directing the Clerk of the Board of Supervisors to notify the Controller of this action; making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; authorizing the SFPUC General Manager to execute the necessary agreements and deeds with John Daly Boulevard Associates, L.P., Monarch Ventures, L.P., Wilbak Investments, L.P. (Westlake Associates) to modify, relocate and quitclaim certain easement rights in real property located in the Westlake Villas areas along Poncetta Drive between John Daly Boulevard and the north property line of Lake Merced Golf Club in the City of Daly City, and authorizing the SFPUC General Manager to execute the necessary agreements and deeds with Parkmerced Investors Properties, LLC (Parkmerced) to modify, relocate and quitclaim certain easement rights in real property located in the Parkmerced development from Brotherhood Way to 19th Avenue in the City and County of San Francisco.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

8. 090473 [Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units] Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell
- Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of \$52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings. (Supervisor Chu dissented in Committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

9. 090587 [Appropriating \$14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009] Mayor
- Ordinance appropriating \$14,152,000 including \$12,051,000 from surplus hospital revenues at San Francisco General Hospital, \$1,891,000 from surplus Department of Public Health General Fund revenues, and \$210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009. (Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 090451 [Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]
Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts.
(Treasure Island Development Authority)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

11. 090652 [First Amendment to Memorandum of Agreement Between the Treasure Island Development Authority and the San Francisco County Transportation Authority Relating to Yerba Buena Island Ramps]
Mayor
Resolution approving a First Amendment to the Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a Project Report, Environmental Document and Project Engineering for the Yerba Buena Island Ramps in an amount not to exceed \$8,800,000.

Question: Shall this Resolution be ADOPTED?

12. 090573 [Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]
Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2009, to September 30, 2010.
(Treasure Island Development Authority)

Question: Shall this Resolution be ADOPTED?

13. 090383 [In Home Supportive Services Contract with IHSS Consortium of San Francisco - \$83,444,020]
Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2009, to June 30, 2013, in the amount of \$83,444,020.
(Human Services Department)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

14. 090579 [Approval of three contracts for the Department of Public Health totaling \$84,322,248]
Supervisor Duffy
Resolution authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health and substance abuse counseling services for clients enrolled in the CalWORK's Welfare to Work Program; integrated substance abuse, mental health and medical services for clients in the Opiate Treatment Program; and fiscal intermediary services related to the San Francisco Mental Health Plan's for Community Behavioral Health Services (CBHS), Residential Care Facilities, Private Provider Network, Mental Health Wraparound Services, and Department's Housing and Urban Health's Emergency Housing Program for the terms of July 1, 2009, through June 30, 2014, and July 1, 2009, through June 30, 2012.
(Public Health Department)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

15. 090659 [Amendment to contract with AMEC Geomatrix, Inc.]
Mayor
Resolution approving an amendment to the contract with AMEC Geomatrix, Inc. to extend the term through June 30, 2010, and to increase the contract by an amount not to exceed \$180,000 for a new total amount not to exceed \$1,619,000 for environmental consulting services.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

16. 081404 [Mandatory Recycling and Composting]
Mayor, Supervisors Mirkarimi, Daly
Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of \$167 per hour; and making environmental findings and setting an operative date.
(Fiscal Impact.)

4/7/2009, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 090557 [Multi-year permit for the use of certain portions of Golden Gate Park for a three-day music festival]
Supervisors Mar, Maxwell, Mirkarimi
Resolution pursuant to S. F. Charter Section 9.118 authorizing and approving the execution, delivery and performance of a Permit to Another Planet Entertainment for the use of certain portions of Golden Gate Park for an annual three-day music festival for a term of three (3) years for an estimated income to the City of \$3.6 million, plus an additional two (2) year option; and adopting environmental findings.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

18. 081525 [Sale of City Property Subject to Declaration of Covenants]
Mayor
Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 090026 [Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]
Supervisors Mirkarimi, Chiu, Mar
Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

5/5/2009, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 090638 [Accept and Expend Grant - Department of Public Health - \$1,925,719]
Supervisors Maxwell, Dufty
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:00 P.M.

21. 090600 [Public Hearing - Report of assessment costs for sidewalk and curb repairs]
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Action: _____

22. 090601 [Report of assessment costs for sidewalk and curb repairs]
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**COMMITTEE REPORTS**

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, June 8, 2009, at 10:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 9, 2009.

23. 090630 [Maintenance Agreement with Caltrans for various locations throughout the City]
Supervisor Chu
Resolution approving a Maintenance Agreement between the City and County of San Francisco and the State of California Department of Transportation (Caltrans) concerning maintenance work to be performed by the City in the State right-of-way at Junipero Serra Boulevard, Nineteenth Avenue, Cross-Over Drive, By-Pass Drive, Park Presidio Boulevard, Skyline Boulevard, Sloat Boulevard, James Lick Freeway, San Jose Avenue, Bayshore Freeway, Central Freeway, Mission Street, South Van Ness Avenue, Van Ness Avenue, Lombard Street, Richardson Street, Southern Freeway and ratifying certain actions in connection with this Resolution.

Question: Shall this Resolution be ADOPTED?

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, June 8, 2009, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 9, 2009.

24. 090670 [Revisions to Division I of the San Francisco Transportation Code]
Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 7.2.12, 7.2.26, 7.2.28, 7.2.29, 7.2.71, 7.2.101, 7.3.3, and 8.1 to change existing posting requirements for temporary parking restriction signs; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that exceeding the permissible use of a Special Traffic Permit is a violation of Section 7.2.71; provide that obstructing traffic four or more times within one year without a Special Traffic Permit, or in violation of the terms of a Special Traffic Permit, is a misdemeanor; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line; and to repeal noticing requirements for towing vehicles on public streets; repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park; and making revisions to clarify applicable restrictions and references to Division II.
(Municipal Transportation Agency)

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

26. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 27 through 40

27. 090741 [Authorizing City officials the ability to execute Homeland Security Grants]
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

28. 090742 [Homeland Security Grants]
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

29. 090743 [Accept and Expend State Grant - Port of San Francisco - \$25,000]
Supervisor Alioto-Pier

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$25,000 from the California Department of Fish and Game, Oil Spill Prevention and Response division for purchase of oil spill response equipment.

6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

30. 090744 [2010 Census Count]
Supervisors Chin, Chu, Campos
Resolution calling for an accurate, fair and inclusive count of all San Francisco residents in the 2010 Census.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED? *
31. 090748 [Recognizing the fortieth anniversary of the Stonewall Riots]
Supervisors Duffy, Campos
Resolution recognizing the fortieth anniversary of the Stonewall Riots and the profound influence they have had on the fight for equality for LGBT Americans.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
32. 090749 [State cuts to UC Hastings budget]
Supervisors Elsbernd, Daly, Chiu
Resolution recognizing the educational, economic and pro-bono contributions of the University of California, Hastings – College of the Law to the State of California and the City and County of San Francisco, and urging the Governor and the California Legislature to reverse the Governor's proposal to eliminate all state funding for the school.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
33. 090745 [Urging the Metropolitan Transportation Commission to reallocate funds from highway expansion to public transit and environment- and community-friendly highway designs]
Supervisor Chiu
Resolution urging the Metropolitan Transportation Commission and other local, regional and state agencies to re-allocate funds currently dedicated to regional highway expansion towards improvements to public transit in the region; urging MTC and other regional and state agencies to adopt management and design programs for state highways that lessen the environmental burdens imposed by highways on adjacent communities, and enhances mobility by sustainable transportation modes.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
34. 090746 [Calling for the creation of an interagency task force to investigate and prosecute fraud crime]
Supervisors Duffy, Campos, Mirkarimi, Alioto-Pier, Chiu
Resolution calling for the creation of an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?

35. 090750 [Issuance and Sale of Revenue Bonds - 2235 Third Street Apartments]
Supervisor Maxwell
Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed \$50,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
36. 090747 [Commending Helen Diller on her dedicated service to San Francisco]
Supervisor Duffy
Resolution commending Helen Diller on her dedicated service to the City and County of San Francisco through her contributions to health research, education and philanthropy.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
37. 090751 [Urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a State constitutional amendment creating a split-roll property tax]
Supervisors Mirkarimi, Chiu, Campos, Maxwell
Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
38. 090753 [Selection of independent City auditors]
Supervisor Mirkarimi
Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five years worth of options for renewal.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
39. 090754 [Amending the California Constitution to restore majority rule to all budgetary and revenue issues]
Supervisor Mirkarimi
Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.
- 6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

40. 090752 [Authorization of issuance of demolition permit to Kaiser Permanente]

Supervisor Mirkarimi

Resolution authorizing the issuance of a demolition permit by the San Francisco Planning Department and/or the Department of Building Inspection to Kaiser Permanente for residential property at 1401-1417 Divisadero.

6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference

Agenda: _____

41. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from May 23, 2009, to June 1, 2009, for reference by President to appropriate committee on June 9, 2009.

None.

PROPOSED RESOLUTIONS

Proposed resolutions received from May 23, 2009, to June 1, 2009, for reference by President to appropriate committee on June 9, 2009.

090755 [Street Artist Spaces]

Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone.
(Arts Commission)

5/27/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090756 [Approval of FY09-10 Expenditure Plan for the Human Services Care Fund]

Resolution approving the FY09-10 Expenditure Plan for the Human Services Care Fund.
(Human Services Department)

5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090757 [Nineteenth Amendment to the Treasure Island Event Venues Master Lease]

Resolution retroactively approving the nineteenth amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term.
(Treasure Island Development Authority)

5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090758 [Twentieth Amendment to the Treasure Island Event Venues Master Lease]

Resolution retroactively approving the Twentieth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to add the unimproved lot surrounding Building 449 to the Leased Premises.
(Treasure Island Development Authority)

5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090759 [Thirtieth Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirtieth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term.
(Treasure Island Development Authority)

5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090760 [Thirty-First Amendment to the Treasure Island Land and Structures Master Lease]

Resolution retroactively approving the Thirty-First Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Building 202 to the Leased Premises.
(Treasure Island Development Authority)

5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090761 **[Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease]**
Resolution retroactively approving the Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Redevelopment Authority and the U.S. Navy to add Buildings 29, 157, 215, 225, 261A, 264, 292, 401 and the lot surrounding Building 450 in the Leased Premises.
(Treasure Island Development Authority)
-
- 5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 090762 **[Twelfth Amendment to the Treasure Island Marina Master Lease]**
Resolution retroactively approving the Twelfth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term.
(Treasure Island Development Authority)
- 5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 090763 **[Twenty Third Amendment to the Treasure Island South Waterfront Master Lease]**
Resolution retroactively approving the Twenty Third Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term.
(Treasure Island Development Authority)
- 5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 090764 **[Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease]**
Resolution retroactively approving the Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Buildings 355, 385, 454, 501 and the portion of Avenue I between 3rd Street and California Avenue to the Leased Premises.
(Treasure Island Development Authority)
- 5/29/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 090765 **[80 Charter Oak Street Lease Amendment]**
Resolution authorizing a Lease Amendment to extend the term for five years for real property at 80 Charter Oak Street for the San Francisco Municipal Transportation Agency.
(Real Estate Department)
- 6/1/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 090766 **[1975-1999 Bryant Street Lease Amendment]**
Resolution authorizing a Lease Amendment to extend the term for five years for real property at 1975-1999 Bryant Street for the San Francisco Municipal Transportation Agency.
(Real Estate Department)
- 6/1/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090771 [Petitions and Communications]

Petitions and Communications received from May 23, 2009, through June 1, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 9, 2009.

From Office of the Mayor, submitting the Mayor's proposed budget for fiscal year ending June 30, 2010. (1)

From Budget Analyst, submitting the management audit of the SF Municipal Transportation Agency Proof of Payment Program. (2)

From Planning Department, regarding California Pacific Medical Center long-range Development Plan. Copy: Each Supervisor (3)

From State Department of Parks and Recreation, regarding the National Register of Historic Places for Roos House. Copy: Each Supervisor, Historic Preservation Commission (4)

From Office of the Treasurer, submitting the investment activity (for fiscal year to date) of the portfolios under Treasurer's management. (5)

From Office of the Controller, submitting report "The San Francisco Forty Niners owe the City more than half a million dollars in parking lot rent" dated May 27, 2009. (6)

From Law Offices of Daniel Reidy, submitting the Blue and Gold fleet's response to issues raised by complaint of the Golden Gate Bridge District, and the Golden Gate Bridge District's answer to complaint as permitted by ordering paragraph 4 of Administrative Law Judge's ruling issued May 13, 2009. (7)

From Kimo Crossman, regarding the Municipal Transportation Agency Budget controversy at the Board of Supervisors meeting on May 27, 2009. (8)

From Kimo Crossman, regarding ARRA Broadband application for San Francisco. (9)

From Human Services Agency, regarding proposed fiscal year 2009-2010 Human Services Care Fund Budget. Copy: Supervisors Avalos, Mirkarimi, Chu (10)

From Planning Department, submitting notice of availability of draft environmental impact report for the New Irvington Tunnel Project. (11)

From Capital Planning Commission, regarding recommendation on the November 2009 Safe Streets and Road Repair General Obligation Bond. (12)

From Municipal Accessibility Council, submitting strong support for continued Muni service to Laguna Honda Hospital. Copy: Each Supervisor (13)

From Office of the Treasurer and Tax Collector, submitting the annual report of businesses that filed for tax credits for the 2008 calendar year. (14)

From Office of the Treasurer and Tax Collector, submitting the annual report of businesses that filed for biotechnology exclusion for the 2008 calendar year. (15)

From Office of the Treasurer and Tax Collector, submitting the annual report of businesses that filed for the clean energy technology business exclusion for the 2008 calendar year. (16)

From Planning Department, submitting public notice of the availability of draft environmental impact report for Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir project. (17)

From Parkmeed Residents Organization, submitting opposition to the urbanization and commercialization of the Parkmeed landscape. Copy: Each Supervisor (18)

From Human Services Agency, submitting report on the interim plan to coordinate all foster care placement improvement plans among Juvenile Probation, Department of Public Health and the Human Services Agency for children and youth in need of high-end residential treatment. File 081008. Copy: Each Supervisor (19)

From Department of Technology, submitting request for release of reserved funds in the amount of \$900,000, to support the creation of the Data Center at 200 Paul Street and to decommission the current One Market Plaza Data Center. (20)

From Aaron Goodman, regarding the lack of an overall historical analysis and review of the multiple libraries that are considered "modern" designed libraries by the firm Appleton & Wolfard. (21)

From GroundSpark, submitting notice that the Alameda School Board has approved their lgbt-inclusive bullying prevention curriculum. (22)

From concerned citizens, regarding the proposed amendments to the "Renter's Economic Relief Package." Files 090278 through 090281. Copy: Each Supervisor (23)

From Arthur Evans, submitting letter entitled "progressives fail to sink muni budget" dated May 27, 2009. (24)

From Dr. Ahimsa Sumchai, regarding her plans to file a complaint with Ethics about the underestimation of the gift the Board of Supervisors received from the San Francisco Chamber of Commerce for their trip to Washington D.C. (25)

From James Corrigan, commenting on the Board of Supervisors budget priorities. (26)

From J & R Stone, submitting opposition to charging admission to the botanical garden in Golden Gate Park. (27)

From Norman Rolfe, urging the Board of Supervisors to contact state and federal legislators and tell them that schools and health care are more important than spending money on freeways. (28)

From Public Utilities Commission, submitting request for release of reserved funds in the amount of \$1,300,000 for the Community Choice Aggregation Implementation Plan. (29)

From Office of Contract Administration, regarding request for a list of contracts under \$10 million issued by the Purchasing Division of the Office of the City Administrator in fiscal years 2007-08, 2008-09, and 2009-10. (Reference No. 20090428-002) (30)

From Ray Lucas, submitting support for charging admission to the botanical garden in Golden Gate Park. (31)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090505-006) (32)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090512-006) (33)

From Human Services Agency, responding to request for a detailed accounting and breakdown of \$189 million reportedly spent by the City on homeless services. (Reference No. 20090428-001) (34)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090414-003) (35)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090331-006) (36)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090324-007) (37)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090324-005) (38)

From Francisco Da Costa, commenting that the United States Navy has an obligation to clean up the Hunters Point Naval Shipyard. (39)

From Alexandra Post, regarding the water pollution in the San Francisco Bay from the sewage plant at Fisherman's Wharf. (40)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to waterfowl hunting. (41)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to commercial lobster permits. (42)

From International Association of Fire Fighters, submitting opposition to proposed Charter amendment that eliminates the 48.7-work week for fire fighters. File 090606. Copy: Each Supervisor (43)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

06-12-09A08:40 REV

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, June 16, 2009 2:00 PM**

**GOVERNMENT
DOCUMENTS DEPT**

JUN 12 2009

Regular Meeting

**SAN FRANCISCO
PUBLIC LIBRARY**

DAVID CHIU, PRESIDENT

**MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI**

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the May 19, 2009, and May 26, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition I in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, public comment for this item will take place during general public comment.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 20

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

1. 090543 [Revising Board of Appeals Filing Fees]
Mayor
Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

6/9/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

2. 090587 [Appropriating \$14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]
Mayor
Ordinance appropriating \$14,152,000 including \$12,051,000 from surplus hospital revenues at San Francisco General Hospital, \$1,891,000 from surplus Department of Public Health General Fund revenues, and \$210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.
(Fiscal Impact.)

6/9/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Duffy, Daly, Alioto-Pier

3. 090628 [Accept and Expend Grant - Department of Public Health - \$200,000]
Supervisors Campos, Duffy
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$200,000 from the Metta Fund to support the Healthy San Francisco (HSF) program evaluation for the period of April 29, 2009, through April 28, 2011.

Question: Shall this Resolution be ADOPTED?

4. 090629 [Accept and Expend Grant - Department of Public Health - \$50,000]
Supervisors Campos, Duffy
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$50,000 from the Commonwealth Fund to support the Healthy San Francisco program evaluation for the period of March 1, 2009, through February 28, 2010.

Question: Shall this Resolution be ADOPTED?

5. 090632 [Accept and Expend Grant - Department of Public Health - \$102,421]
Supervisor Duffy
Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend funds from the Foundation for AIDS Research (amfAR) in the amount of \$102,421 to support the HIV Epidemiology project entitled "Assessing Internet Users Preferences for Structural and Network Interventions;" for the period of January 1, 2009, through December 31, 2009.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

6. 090670 [Temporary Parking Restrictions]
Ordinance amending San Francisco Transportation Code, Division I, by amending Section 3.4 to change existing posting requirements for temporary parking restriction signs for parades, public assemblies, film production, conflagrations, building collapses and street obstructions and repairs. (Municipal Transportation Agency)

6/9/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. 081525 [Sale of City Property Subject to Declaration of Covenants]**Mayor**

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

6/9/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 090026 [Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]**Supervisors Mirkarimi, Chiu, Mar**

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

5/5/2009, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

6/9/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

9. 090501 [Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling \$5,923,143.27]

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. 090595 [Settlement of Lawsuit - Daniel Alvarenga - \$82,500]
Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for \$82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al.
(City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
11. 090596 [Settlement of Lawsuit - Vivian Ross - \$50,000]
Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al.
(City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
12. 090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - \$30,000]
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of \$30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al.
(City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
13. 090667 [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - \$63,500]
Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of \$4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to plaintiffs and their counsel for damages and attorneys' fees.
(City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
14. 090500 [Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]
Resolution approving settlement of administrative action before the Federal Communications Commission, WT docket No. 02-55, involving the City and County of San Francisco against the Sprint/Nextel Corporation for the reconfiguration of the City's 800 MHz Radio Communications System. □
(City Attorney)
- Question: Shall this Resolution be ADOPTED?

15. 090668 [Settlement of Unlitigated Claim - Barry Louis Mangels - \$100,000]
Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for \$100,000; claim was filed on March 11, 2009.
(City Attorney)

Question: Shall this Resolution be ADOPTED?

16. 090669 [Settlement of Potential Litigation - Dolly A. Cool - \$84,126.98]
Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for \$84,126.98.
(City Attorney)

Question: Shall this Resolution be ADOPTED?

17. 090662 [Appointment, Power Plant Task Force - Malik Looper]
Motion appointing Malik Looper, term ending December 31, 2009, to the Power Plant Task Force.

Question: Shall this Motion be APPROVED?

Present: Supervisors Daly, Chu

18. 090497 [Appointments - Treasury Oversight Committee - Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom and Richard Sullivan]
Motion appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom (residency requirement waived) and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee.
(Treasurer-Tax Collector)

Question: Shall this Motion be APPROVED?

19. 090664 [Appointment, SRO Task Force - Jeffrey Buckley]
Motion appointing Jeffrey Buckley, term ending December 31, 2009, to the SRO Task Force.

Question: Shall this Motion be APPROVED?

20. 090666 [Appointment, San Francisco Health Authority - Steven Fugaro]
Motion appointing Steven Fugaro, term ending January 15, 2012, to the San Francisco Health Authority, residency requirement waived.

Question: Shall this Motion be APPROVED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

21. 090544 [Revising Board of Appeals Surcharges]
Mayor
Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.
- 6/9/2009, PASSED ON FIRST READING.
6/9/2009, PREVIOUS VOTE RESCINDED.
6/9/2009, CONTINUED ON FIRST READING. Continued to June 16, 2009.
Question: Shall this Ordinance be PASSED ON FIRST READING?
22. 090548 [Appropriating \$58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor, Supervisor Dufty
Ordinance appropriating \$58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds. (Fiscal Impact)
- 6/9/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

23. 090473 [Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]
Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell
Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of \$52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings. (Supervisor Chu dissented in Committee.)

6/9/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

24. 081404 [Mandatory Recycling and Composting]
Mayor, Supervisors Mirkarimi, Daly
Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of \$167 per hour; and making environmental findings and setting an operative date.
(Fiscal Impact.)

4/7/2009, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

6/9/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

6/9/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance

Present: Supervisors Avalos, Chu, Campos, Duffy, Chiu

25. 090691 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]
Mayor
Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.
(Fiscal Impact.)
(Supervisor Chu and Supervisor Duffy dissented in Committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. 090692 [Interim Annual Salary Ordinance, Fiscal Year 2009-2010]
Mayor
Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.
(Fiscal Impact.)
(Supervisor Chu and Supervisor Duffy dissented in Committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

27. 090693 [Treasure Island Development Authority Interim Budget]
Mayor
Resolution approving the Interim Budget of the Treasure Island Development Authority for fiscal year 2009-2010.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Chu, Chiu

28. 090588 [Building Code - fee adjustment]
Mayor, Supervisor Chiu
Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

29. 090589 [Electrical Code - permit expiration]
Mayor, Supervisor Chiu
Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.

Question: Shall this Ordinance be PASSED ON FIRST READING?

30. 090590 [Plumbing Code - permit expiration]
Mayor, Supervisor Chiu
Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Budget and Finance Subcommittee Without Recommendation

Present: Supervisors Avalos, Chu, Chiu

31. 090633 [Contract with Titan Outdoor for advertising on San Francisco Municipal Transportation Agency (SFMTA) vehicles and other property]
Supervisor Dufty
Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA) to execute a transit advertising contract with Titan Outdoor LLC, for a term commencing July 1, 2009, and ending June 30, 2014, which offers a minimum guarantee to the SFMTA of \$22,102,525 over the term of the contract.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

32. 090639 [MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
33. 090640 [MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- 6/2/2009, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing same title.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
34. 090641 [MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
35. 090642 [MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]
Mayor
Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

36. 090643 [MOU, Amendment #1 - Municipal Executives' Association Fire]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

Question: Shall this Ordinance be PASSED ON FIRST READING?

37. 090644 [MOU, Amendment #1 - Municipal Executives' Association Police]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Question: Shall this Ordinance be PASSED ON FIRST READING?

38. 090645 [MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Question: Shall this Ordinance be PASSED ON FIRST READING?

39. 090646 [MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

Question: Shall this Ordinance be PASSED ON FIRST READING?

40. 090647 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]
Mayor
Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Question: Shall this Ordinance be PASSED ON FIRST READING?

41. 090648 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]
Mayor
Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
42. 090649 [MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)]
Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
43. 090650 [Unrepresented Employees]
Mayor
Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
44. 090673 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
45. 090674 [MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

46. 090675 [MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]
Mayor
Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
47. 090676 [MOU, Amendment #3 - Service Employee International Union, Local 1021]
Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
48. 090677 [MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
49. 090680 [MOU, Amendment #1 - District Attorney Investigators' Association]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
50. 090681 [MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

51. 090682 [MOU, Laborers International Union, Local 261]
Mayor
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
52. 090683 [MOU, Stationary Engineers, Local 39]
Mayor
Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
53. 090684 [MOU, Amendment #2 - Operating Engineers, Local 3]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
54. 090685 [MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]
Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
55. 090686 [MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

56. 090687 [MOU, Amendment #3 - Municipal Executives' Association, Misc.]
Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
57. 090688 [MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
58. 090689 [MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]
Mayor
Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

59. 090392 [Zoning - Ordinance amending Planning Code Section 309.1]
Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304.
(Planning Department)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
60. 090420 [India Basin Industrial Park, Special Use District Amendment]
Supervisor Maxwell
Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

61. 090402 [Zoning - New Controls for Massage Establishments]**Mayor, Supervisors Chu, Chin**

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

5/19/2009, SUBSTITUTED. Supervisor Chu submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

62. 090403 [Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]**Mayor, Supervisor Chu**

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

63. 090602 [Confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors]

Motion confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors for the unexpired portion of a four-year term ending February 26, 2010. (Mayor)

(Directors appointed by the Mayor who are not City Officers, their appointment(s) shall be effective upon the approval of such appointment(s) by a majority of the Board of Supervisors. Transmittal date - May 19, 2009)

Question: Shall this Motion be APPROVED?

From the Rules Committee Without Recommendation

Present: Supervisors Daly, Chu, Campos

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)

64. 090007 [Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]

Supervisors Elsbernd, Chu

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

(Supervisor Daly dissented in Committee.)

2/3/2009, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title.

2/10/2009, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing same title.

Question: Shall this Charter Amendment be SUBMITTED?

SPECIAL ORDER 3:00 P.M

(Pending approval of File No. 090801.)

Board of Supervisors Sitting as a Committee of the Whole

65. 090802 [Committee of the Whole - Beilenson Hearing]
Hearing to consider the Department of Public Health's budget eliminating or reducing medical services.

Action: _____

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Thursday, June 11, 2009, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 16, 2009.

66. 090740 [Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]
Supervisors Mar, Maxwell, Mirkarimi, Daly
Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

Question: Shall this Resolution be ADOPTED?

67. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

68. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 69 through 76

69. 090801 [Committee of the Whole - Health service reductions (Beilenson Hearing) June 16, 2009, at 3:00 p.m.]
Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Beilenson Hearing), to be held on June 16, 2009, at 3:00 p.m.

6/9/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

70. 090751 [Urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a State constitutional amendment creating a split-roll property tax]
Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos
Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

6/9/2009, CONTINUED. Supervisors Mar and Avalos requested to be added as co-sponsors.

Continued to June 16, 2009.

Question: Shall this Resolution be ADOPTED?

71. 090754 [Amending the California Constitution to restore majority rule to all budgetary and revenue issues]
Supervisors Mirkarimi, Dufty, Mar, Avalos
Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.

6/2/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

6/9/2009, CONTINUED. Supervisors Mar and Avalos requested to be added as co-sponsors.

Continued to June 16, 2009.

Question: Shall this Resolution be ADOPTED?

72. 090803 [Opposing Governor's proposal to eliminate the San Francisco Bay Conservation and Development Commission]
Supervisors Chiu, Maxwell
Resolution urging Governor Schwarzenegger and the State Legislature to not eliminate the San Francisco Bay Conservation and Development Commission.

6/9/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
73. 090804 [Extending the life of Western SoMa Citizens Planning Task Force]
Supervisor Daly
Resolution extending the life of the Western SoMa Citizens Planning Task Force.

6/9/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
74. 090805 [Urging the State of California to fund HIV/AIDS programs proposed for cuts in the FY 2009-2010 State budget]
Supervisors Duffy, Campos, Daly, Mirkarimi
Resolution calling on the Governor and California Legislature to fully fund HIV/AIDS programs proposed to be cut in the FY 2009-2010 State budget.

6/9/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
75. 090806 [Commending Sandy Lee of the Recreation and Park Department for 34 years of service]
Supervisor Duffy
Resolution commending Sandy Lee of the Recreation and Park Department upon the occasion of her retirement after 34 years of service.

6/9/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?
76. 090807 [Accept and Expend Grant - Department of Public Health - \$15,369]
Supervisor Duffy
Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of \$15,369 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the Futures Group International, to support a project entitled "Project SEARCH Nigeria HIV Prevention Project;" for the period of April 1, 2009, through September 30, 2009.

6/9/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING
Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda: _____

77. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinance received from June 2, 2009, to June 8, 2009, for reference by President to appropriate committee on June 16, 2009.

090783 [Settlement of Lawsuit - Jane Martin and David Baker - \$190,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for \$190,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.
(City Attorney)

6/2/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from June 2, 2009, to June 8, 2009, for reference by President to appropriate committee on June 16, 2009.

090784 [Settlement of Unlitigated Claim - Freda Quimbo - \$70,000]

Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for \$70,000; claim was filed on February 11, 2009.
(City Attorney)

6/4/2009, RECEIVED AND ASSIGNED to Rules Committee.

090785 [Lease of Real Property at 649-651 Bryant Street]

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 14,000 square feet of improvements upon a lot area of approximately 19,000 square feet, located at 649-651 Bryant Street (Assessor's Block 3777, Lot 050) in San Francisco for the San Francisco Public Utilities Commission.
(Real Estate Department)

6/3/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090786 [Lease of Real Property at 160 South Van Ness Avenue]

Resolution authorizing the Director of Property to exercise an extension option for a 7-year term for the lease of real property located at 160 South Van Ness Avenue, for the Human Services Agency.
(Real Estate Department)

6/8/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090787 [Lease of Real Property at 100 Larkin Street]

Resolution authorizing the lease of 683 square feet of space to the Nasra Family Partnership, in the Main Library located at 100 Larkin Street on behalf of the San Francisco Public Library.
(Real Estate Department)

6/8/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090808 [Petitions and Communications]

Petitions and Communications received from June 2, 2009, through June 8, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 16, 2009.

From Office of the Mayor, submitting notice of transfer of function under Charter Section 4.132.
Copy: Each Supervisor (1)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of State from June 7, 2009, until June 10, 2009. Supervisor Alito-Pier will serve as Acting Mayor. (2)

From Carol Osorio, submitting opposition to the "city streets" program. (3)

From Lakestreet Residents Association, regarding the Presidio Trust's supplement environmental impact statement and draft findings of effect under Section 106 of the National Historic Preservation Act of February 2009. Copy: Each Supervisor (4)

From Office of the Mayor, submitting nomination of Andrew Wolfram as a member of the Historical Preservation Commission. Copy: Each Supervisor (5)

From Office of the Mayor, submitting appointment of Anson Moran as a member of the Public Utilities Commission, effective June 1, 2009. Copy: Each Supervisor (6)

From Department of Elections, submitting the Statewide Certification of Election Results for the Special Statewide Election of May 19, 2009. Copy: Each Supervisor (7)

From Department of Public Health, submitting the annual list of membership organizations for fiscal year 2009-2010. Copy: Each Supervisor (8)

From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation and sustainable land use. 7 letters (9)

From Elizabeth Haydu, submitting opposition to legalizing prostitution. (10)

From Public Utilities Commission, regarding the criteria used to prioritize neighborhood scale capital projects. (Reference No. 20090505-004) (11)

From Department of the Environment, submitting the 2008 annual report on the Precautionary Purchasing Ordinance. (12)

From various City Departments, submitting list of sole source contracts entered into during fiscal year 2008-2009. (13)

Police Department

Department of the Environment

From SF Preservation Consortium, regarding the Mayor's nominees to the Historic Preservation Commission. (14)

From Public Utilities Commission, regarding the cost of removing Francisco Reservoir and developing a public recreation site. (15)

From Maitri Residential Care Center, submitting support for California Pacific Medical Center's institutional master plan. Copy: City Operations and Neighborhood Services/Land Use Clerks (16)

From Francisco Da Costa, regarding the Environmental Protection Agency and Parcel A and the Hunters Point Naval Shipyard issues. (17)

From Arthur Evans, commenting on the Public Safety Committee meeting held on June 1, 2009. (18)

From Office of Economic and Workforce Development, regarding applications for the Summer Youth Employment Program that are funded with Workforce Investment Act funds provided through the American Recovery and Reinvestment Act. (19)

From Department of Public Health, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090414-007) (20)

From Department of Public Health, regarding status of removing graffiti from various locations in District 5. (Reference No. 20090428-004) (21)

From concerned citizen, urging the Board of Supervisors to reinstate the seventy-two hour parking rule in San Francisco. (22)

From United States Postal Service, responding to request to issue a commemorative stamp in honor of Supervisor Harvey Milk. File 090467 (23)

From Dr. Louis Hagler, regarding the adverse medical and social effects of noise pollution. (24)

From Roxana Salazar, regarding the serious impact of the proposed budget cuts to the Central City Hospitality House Tenderloin Drop-in Center. (25)

From Law Offices of Daniel Reidy, regarding the consolidated proceedings of Red & White Ferries, Inc.'s application for CPCN authority and the complaint for shared use of the District's docking facilities in Sausalito. (26)

From Law Offices of Daniel Reidy, regarding Blue and Gold Fleet's protest to amendment to application filed by Red & White Ferries, Inc. on May 21, 2009. (27)

From Law Offices of Daniel Reidy, regarding Blue & Gold Fleet's letter to State Public Utilities Commissioner Timothy Alan Simon. (28)

From State Fish and Game Commission, submitting notice that the State Fish and Game Commission will consider amending Section 670.5, Title 14, California Code of Regulations, to remove the American Peregrine Falcon from the list of endangered species. (29)

From SF Labor Council, regarding the passing of legendary labor leader Jack Henning. Copy: Each Supervisor (30)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

06-18-09 04:07 6/28

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, June 23, 2009 2:00 PM
Regular Meeting

GOVERNMENT
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JUN 18 2009

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MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
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SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Daly, Chu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

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The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

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AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

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The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 36

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

1. 090544 [Revising Board of Appeals Surcharges]
Mayor

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

6/9/2009, PASSED ON FIRST READING.

6/9/2009, PREVIOUS VOTE RESCINDED.

6/9/2009, CONTINUED ON FIRST READING. Continued to June 16, 2009.

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Chu, Chiu

2. 090588 [Building Code - fee adjustment]
Mayor, Supervisor Chiu
Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
3. 090589 [Electrical Code - permit expiration]
Mayor, Supervisors Chiu, Chu
Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.
- 6/16/2009, PASSED ON FIRST READING. Supervisor Chu requested to be added as a co-sponsor.
Question: Shall this Ordinance be FINALLY PASSED?
4. 090590 [Plumbing Code - permit expiration]
Mayor, Supervisors Chiu, Chu
Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.
- 6/16/2009, PASSED ON FIRST READING. Supervisor Chu requested to be added as a co-sponsor.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

5. 090639 [MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

6. 090640 [MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

6/2/2009, SUBSTITUTED, Mayor Newsom submitted a substitute ordinance bearing same title.

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. 090641 [MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 090642 [MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]
Mayor
Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 090643 [MOU, Amendment #1 - Municipal Executives' Association Fire]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 090644 [MOU, Amendment #1 - Municipal Executives' Association Police] Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
11. 090647 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)] Mayor
Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
12. 090648 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)] Mayor
Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
13. 090649 [MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)] Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

14. 090650 [Unrepresented Employees]
Mayor
Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
15. 090673 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
16. 090674 [MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
17. 090675 [MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]
Mayor
Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

18. 090676 [MOU, Amendment #3 - Service Employee International Union, Local 1021]
Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
19. 090677 [MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
20. 090680 [MOU, Amendment #1 - District Attorney Investigators' Association]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
21. 090681 [MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]
Mayor
Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

22. 090682 [MOU, Laborers International Union, Local 261]
Mayor
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011

6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
23. 090683 [MOU, Stationary Engineers, Local 39]
Mayor
Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
24. 090685 [MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]
Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
25. 090686 [MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
26. 090687 [MOU, Amendment #3 - Municipal Executives' Association, Misc.]
Mayor
Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

27. 090688 [MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
28. 090689 [MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]
Mayor
Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

29. 090402 [Zoning - New Controls for Massage Establishments]
Mayor, Supervisors Chu, Chiu
Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
- 5/19/2009, SUBSTITUTED. Supervisor Chu submitted a substitute ordinance bearing new title.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

30. 090403 [Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]
Mayor, Supervisor Chu
Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

6/16/2009, PASSED ON FIRST READING

Question: Shall this Ordinance be FINALLY PASSED?

31. 090420 [India Basin Industrial Park, Special Use District Amendment]
Supervisor Maxwell
Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

32. 090501 [Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling \$5,923,143.27]
Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees.
(City Attorney)

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

33. 090595 [Settlement of Lawsuit - Daniel Alvarenga - \$82,500]
Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for \$82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al.
(City Attorney)

6/16/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

34. 090596 [Settlement of Lawsuit - Vivian Ross - \$50,000]
Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
35. 090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - \$30,000]
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of \$30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
36. 090667 [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - \$63,500]
Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of \$4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

Present Supervisors Avalos, Chu, Campos, Duffy, Chiu

37. 090691 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]
Mayor
Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.
(Fiscal Impact.)
(Supervisor Chu and Supervisor Duffy dissented in Committee.)
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
38. 090692 [Interim Annual Salary Ordinance, Fiscal Year 2009-2010]
Mayor
Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.
(Fiscal Impact.)
(Supervisor Chu and Supervisor Duffy dissented in Committee.)
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

39. 090645 [MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
40. 090646 [MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]
Mayor
Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
41. 090684 [MOU, Amendment #2 - Operating Engineers, Local 3]
Mayor
Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.
- 6/16/2009, CONTINUED ON FIRST READING. Continued to June 23, 2009.
Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

42. 090392 [Zoning - Ordinance amending Planning Code Section 309.1]
Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)
- 6/16/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

From the Rules Committee Without Recommendation

Present: Supervisors Daly, Chu, Campos

43. 090007 [Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]

Supervisors Elsbernd, Chu

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

(Supervisor Daly dissented in Committee.)

2/3/2009, SUBSTITUTED Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title.

2/10/2009, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing same title.

6/16/2009, CONTINUED. Continued to June 23, 2009

Question: Shall this Charter Amendment be SUBMITTED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

44. 090723 [Budget Savings Incentive Fund]

Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the fiscal year 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

45. 090725 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]

Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: Budget Analyst (Board of Supervisors); LGBT Anti-violence Education and Outreach Program (District Attorney); body removal services—Medical Examiner, central shops security, convention facilities management, janitorial services, and security services (General Services Agency—City Administrator); security services—1680 Mission Street (General Services Agency—Public Works); mainframe system support (General Services Agency—Technology); absentee voter ballot distribution (Department of Elections); security services (Human Services Agency); Project S.A.F.E. (Police); and janitorial services (Sheriff).

Question: Shall this Resolution be ADOPTED?

46. 090776 [Redevelopment Agency Interim Budget]

Mayor

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2009-2010.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Budget and Finance Subcommittee

Present: Supervisors Avalos, Mirkarimi, Chu

47. 090598 [Official Advertising for Fiscal Year 2009-2010]
Resolution designating the Examiner and the San Francisco Chronicle as the official newspapers of the City and County of San Francisco for the categories of Type 1 and Type 2 official advertising from July 1, 2009, through June 30, 2010.
(Office of Contract Administration)

Question: Shall this Resolution be ADOPTED?

48. 090599 [Outreach Advertising for Fiscal Year 2009-2010]
Resolution designating the San Francisco Bay View to be the outreach newspaper of the City and County for the African American community; the China Press, the Sing Tao Daily and the World Journal to be the outreach newspapers of the City and County for the Chinese community; the Bay Area Reporter and the Bay Times to be the outreach newspapers of the City and County for the Gay, Lesbian, Bisexual community, and El Mensajero and El Reportero to be the outreach newspapers of the City and County for the Hispanic community, to provide outreach advertising for Fiscal Year 2009-2010.
(Office of Contract Administration)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar

49. 090276 [Housing Code Section 503(d) "Housing Access:" extend protections to all persons sharing housing by deleting references to "families;" and technical correction to Section 503(b)]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos
Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families," and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

Question: Shall this Ordinance be PASSED ON FIRST READING?

50. 090277 [Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3: to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

Question: Shall this Ordinance be PASSED ON FIRST READING?

51. 090278 [Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]
Supervisors Daly, Avalos, Mirkarimi, Campos
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."
(Fiscal Impact.)
(Economic Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

52. 090279 [Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards (Section 37.9(a)(2)).

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present Supervisors Mar, Maxwell

53. 090734 [Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]
Mayor, Supervisors Chiu, Alioto-Pier, Duffy
Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc., to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed \$5,198,000.
(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

54. 090736 [Approval of one-year extension of contract for the San Francisco Treasurer/Tax Collector for software maintenance, support and development for collection of revenue for various City and County departments]
Supervisor Duffy
Resolution approving one-year extension of software maintenance, license, support and development contract for the San Francisco Treasurer/Tax Collector for services to collect revenue for various City and County departments.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present Supervisors Maxwell, Mar, Chiu

55. 081251 [Planning Code Appendix K to Article 10, Bush Street Cottage Row Historic District]
Supervisor Mirkarimi
Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 191.1 and environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

56. 090141 [Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]

Supervisor Mirkarimi

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

57. 090327 [First Source Hiring Program - expand definitions of "entry level position" and "economically disadvantaged individual"]

Supervisor Mirkarimi

Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

Question: Shall this Ordinance be PASSED ON FIRST READING?

58. 090574 [Hunters View - Resolution of Intent for Street Vacation]

Resolution declaring the intention of the Board of Supervisors to vacate portions of Fairfax Avenue and West Point Road and various public service easements in the Hunters View Project; setting a hearing date for all persons interested in the proposed vacation of said street areas.
(Public Works Department)

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, June 22, 2009, at 10:30 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, June 23, 2009.

59. 090741 **[Authorizing City officials the ability to execute Homeland Security Grants]
Supervisor Alioto-Pier**
Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.
- 6/9/2009, REFERRED to Budget and Finance Committee. Supervisor Daly requested that this matter be referred to Committee.
- Question: Shall this Resolution be ADOPTED?**
60. 090742 **[Homeland Security Grants]
Supervisor Alioto-Pier**
Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.
- 6/9/2009, REFERRED to Budget and Finance Committee. Supervisor Daly requested that this matter be referred to Committee.
- Question: Shall this Resolution be ADOPTED?**
61. **ROLL CALL FOR INTRODUCTIONS**
Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

62. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 63 through 67

63. 090821 [Urging the United States Department of Justice to withdraw its support of the Defense of Marriage Act]
Supervisors Duffy, Campos, Chiu
Resolution urging the United States Department of Justice to withdraw or amend its support of the Defense of Marriage Act (DOMA) and calling on President Barack Obama to act to repeal DOMA.

6/16/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
64. 090822 [Expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance]
Supervisor Mirkarimi
Resolution expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance.

6/16/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
65. 090824 [Federal Energy Efficiency and Conservation Block Grant revenue funding priorities]
Supervisor Chiu
Resolution establishing funding priorities for revenue from the federal Energy Efficiency and Conservation Block Grant program.

6/16/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

66. 090825 [Opposing proposed California constitutional amendment]
Supervisor Mirkarimi

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

6/16/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Question: Shall this Resolution be ADOPTED?

67. 090047 [Final Map - 1151 Sutter Street]

Motion approving Final Map 5022, an Eight Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 1151 Sutter Street being a subdivision of Lot 014 in Assessors Block No. 0692 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

(Public Works Department)

(DPW Order 178,190; District 3.)

6/15/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:*

68. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCE

Proposed ordinance received from June 9, 2009, to June 15, 2009, for reference by President to appropriate committee on June 23, 2009.

090811 [Settlement of Lawsuit - Craig Yates and Richard Skaff - \$312,000]

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for \$312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for \$150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court.
(City Attorney)

6/15/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from June 9, 2009, to June 15, 2009, for reference by President to appropriate committee on June 23, 2009.

090809 [Street Artist Spaces]

Resolution approving designation for six (6) months of eight (8) temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists; said spaces subject to Board of Supervisors review.
(Arts Commission)

6/11/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090810 [Street Artist Spaces]

Resolution approving designation for six (6) months of four (4) temporary selling spaces on Hayes Street, north side, near Octavia Street for street artists certified by the Arts Commission, City and County of San Francisco; said spaces subject to Board of Supervisors review.
(Arts Commission)

6/11/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090823

[Authorization for continued membership in 18 County CalWIN Consortium]

Resolution authorizing the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with state requirements for which San Francisco's portion of the cost will be \$13,110,600 for the extended period of July 1, 2009 through July 31, 2013. Please note: State and Federal reimbursement is at 92% of \$13,110,600. County general fund portion \$1,048,848. (Human Services Department)

6/17/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090826 [Petitions and Communications]

Petitions and Communications received from June 9, 2009, through June 15, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 23, 2009.

From Municipal Transportation Agency, regarding evaluation plan for extending parking meter hours of operation. Copy: Each Supervisor (1)

From Police Department, urging the Board of Supervisors to carefully consider the passing of any resolution or decree regarding the ongoing San Francisco Superior Court criminal proceedings involving those accused of the August 29, 1971, murder of San Francisco Police Sergeant John V. Young at Ingleside Police Station. Copy: Each Supervisor (2)

From Capital Planning Commission, regarding recommendation on the authorization for the issuance of up to \$2,442,109,182 in Prop A and E (2002) Water Revenue Bonds for the Water System Improvement Program. Copy: Each Supervisor (3)

From Office of the Treasurer, submitting the investment activity (for fiscal year to date) of the portfolios under the Treasurer's management. (4)

From Office of the Controller, submitting report on the Controller's discussion of the Mayor's fiscal year 2009-2010 proposed budget. Copy: Each Supervisor, Budget Analyst, Budget Clerk (5)

From Jack Gundersheim, submitting opposition to proposed amendments to the Residential Rent Ordinance. Copy: Each Supervisor, File Nos. 090276, 090277, 090278, 090279 (6)

From Arthur Evans, commenting on the possible candidates for the next Mayoral election in San Francisco. (7)

From Body M, concerning the recent fee increase for the H41 license permit. Copy: Each Supervisor (8)

From concerned citizens, commenting how much the Adult Day Health Centers have helped many people with disabilities. Copy: Each Supervisor, 2 letters (9)

From Nigar Shaikh, submitting letter from the ACLU regarding the Police Department's procedures with respect to rallies or other First Amendment activities. Copy: Public Safety Committee, File No. 090362 (10)

From Asian Week Foundation, submitting support for California Pacific Medical Center's institutional master plan to build a new hospital for acute care services on Van Ness at Geary and rebuild and revitalize its St. Luke's campus, as well as develop a world class Neurosciences Institute at the Davies Campus. File No. 090371, Copy: Each Supervisor (11)

From SF International Airport, submitting the list of contracts under \$10 million issued by the Airport for fiscal years 2007-2008 and 2008-2009. (Reference No. 20090519-001) (12)

From San Francisco County Grand Jury, submitting report on the surplus real property owned by the San Francisco Unified School District. (13)

From various City Departments, submitting list of sole source contracts entered into during fiscal year 2008-2009. (14)

Board of Permit Appeals; Ethics Commission; Juvenile Probation Department; Law Library; Office of Citizen Complaints.

From concerned citizens, submitting opposition to closing neighborhood firehouses in San Francisco. File No. 090779, Copy: Each Supervisor, 15 letters (15)

From Marsha Walker, submitting various suggestions to reduce the budget of the City and County of San Francisco. Copy: Each Supervisor, File No. 090779 (16)

From John Akins, regarding the recent changes imposed on the Alemany Farmers' market by the Real Estate Division. (17)

From concerned citizens, commenting on the recently passed ordinance regarding mandatory recycling and composting. File No. 081404, 2 letters (18)

From Terie Frye, regarding the Tenderloin Housing Clinic. Copy: Each Supervisor (19)

From Francisco Da Costa, regarding Senate Bill 792 introduced by Senator Mark Leno. (20)

From Remcho, Johansen & Purcell, LLP, regarding passage of Proposition F on the November 8, 2005, ballot that added Section 2A.97 to the San Francisco Administrative Code regarding funding the neighborhood firehouses. Copy: Each Supervisor (21)

From Dee Seligman, urging the Board of Supervisors not to cut the NERT budget. (22)

From Marianne Haas, submitting support for the Transitional Volunteer Program. Copy: Each Supervisor (23)

From Nicole Breuner, submitting support for proposal to initiate the process of restoring Sharp Park to a natural area. (24)

From Peter Mandell, suggesting that neighborhood meetings be held before a permit is granted for any concert. (25)

From Francisco Da Costa, concerning when will the United States apologize to the "First People" of the United States. (26)

From Ms. Kretzschmar, regarding threatening dogs and dog walkers. (27)

From State Public Utilities Commission, submitting notification of application filing by Pacific Gas and Electric Company biennial cost allocation proceeding. (28)

From US PROStitutes Collective, commenting on proposed penalties for violation of the massage practitioner licensing and regulation Ordinance. Copy: Each Supervisor (29)

From State Fish and Game Commission, submitting notice that at its June 25, 2009, meeting, the Commission will consider adding the longfin smelt as a threatened species. (30)

From State Fish and Game Commission, relating to methods authorized for taking resident small game and migratory upland game birds within the range of the California condor. (31)

From Planning Department, submitting a comment and response document to address comments received on the Draft Environmental Impact Report for the San Francisco Bicycle Plan Project. (32)

ADJOURNMENT

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tuesday, June 30, 2009 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chiu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chiu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi

Rules Committee

Supervisors Daly, Chiu, Campos

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the June 2, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 7

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly

1. 090493 [Liquor License Transfer - 3950 24th Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 1469 Hyde Street to 3950 24th Street (District 8) to Joseph N. Rogoff for Whole Foods Market California, Inc. dba Whole Foods Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

2. 090797 [Accept and Expend Grant - Department of Public Health - \$1,925,719]
Supervisor Dufty
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. 081251 [Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]
Supervisor Mirkarimi
Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 090141 [Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]
Supervisor Mirkarimi
Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. 090327 [First Source Hiring Program - expanding definitions of "entry level position" and "economically disadvantaged individual"]
Supervisor Mirkarimi
Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be **FINALLY PASSED**?

Recommendations of the Rules Committee

Present: Supervisors Daly, Campos

6. 090770 [Appointment, Commission on the Aging Advisory Council - Jerry Brown]
Motion appointing Jerry Brown, term ending March 31, 2011, to the Commission on the Aging Advisory Council.
7. 090790 [Appointment, Graffiti Advisory Board - Rebecca Delgado Rottman]
Motion appointing Rebecca Delgado Rottman, term ending April 10, 2011, to the Graffiti Advisory Board.

Question: Shall this Motion be **APPROVED**?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

8. 090723 [Budget Savings Incentive Fund]
Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar

9. 090276 [Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 090277 [Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. 090278 [Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]
Supervisors Daly, Avalos, Mirkarimi, Campos
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."
(Fiscal Impact.)
(Economic Impact.)

6/23/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

6/23/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

12. 090279 [Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9 to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards (Section 37.9(a)(2)).

6/23/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

6/23/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

13. 090734 [Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]
Mayor, Supervisors Chiu, Alioto-Pier, Duffy
Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc., to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed \$5,198,000.
(Fiscal Impact.)

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Duffy

14. 090756 [Approval of FY 2009-2010 Expenditure Plan for the Human Services Care Fund]
Resolution approving the FY 2009-2010 Expenditure Plan for the Human Services Care Fund.
(Human Services Department)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

15. 090695 [Approval of FY 2009-2010 Redevelopment Agency Budget and Bonds]
Mayor
Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 and approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed \$87.5 million to finance a portion of redevelopment activities described in such approved Budget for FY 2009-2010.
(Fiscal Impact.) -
- Question: Shall this Resolution be ADOPTED?
16. 090701 [Setting Patient Rates - effective July 1, 2009]
Mayor
Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
17. 090702 [Emergency Medical Services Fees]
Mayor
Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
18. 090703 [Chain Restaurant Surcharge]
Mayor
Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Sec. 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually, and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
19. 090627 [Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]
Supervisors Alioto-Pier, Dufty
Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" in order to limit rebates available to film productions for the use of certain police services.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 090711 [Recreation and Park Department - Clubhouses and Gymnasiums Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
21. 090712 [Recreation and Park Department - Aquatic Facilities Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
22. 090713 [Recreation and Park - Day Camp Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
23. 090714 [Recreation and Park - Kezar Parking Lot Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
24. 090717 [Recreation and Park Department - Athletic Field Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.
(Supervisor Mirkarimi dissented in Committee.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
25. 090718 [Recreation and Park Department - Japanese Tea Garden Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
26. 090719 [Recreation and Park Department - Latch Key and Afterschool Programs Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

27. 090720 [Recreation and Park - Conservatory of Flowers Fees]
Mayor
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Chiu

28. 090367 [Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]
Supervisor Alioto-Pier
Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

29. 090755 [Street Artist Spaces]
Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone.
(Arts Commission)

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.**APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

The President may entertain a motion to continue the following File Nos. 090772, 090773, 090774, 090775 to August 4, 2009.

The Appellant and Project Sponsor have requested a continuance for property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition.

30. 090772 [Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]
Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)
(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

31. 090773 [Affirming the certification of the 2901 California Street (Drew School Addition) FEIR]
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.
- Question: Shall this Motion be APPROVED?
32. 090774 [Reversing the certification of 2901 California Street (Drew School Addition) FEIR]
Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.
- Question: Shall this Motion be APPROVED?
33. 090775 [Preparation of findings to reverse certification of 2901 California Street (Drew School Addition) FEIR]
Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.
- Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the Land Use Committee at a Regular Meeting on Monday, June 29, 2009 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 30, 2009.

34. 090798 [Bayview Hunters Point Redevelopment Project Area C Interim Controls Extension]
Supervisor Maxwell
Resolution extending the imposition of interim zoning controls for an additional six (6) months in the area designated as "Area C" in the Bayview Hunters Point Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay by requiring a conditional use permit for all new construction, changes of use, alterations that expand the building envelope and demolitions, except for alterations of a lawfully existing use in the M-1, M-2 or NC-2 zones or the establishment of or a change of use on the ground floor of a principally permitted use in the NC-2 area; by specifying criteria to be applied in the evaluation of a conditional use permit application; and adopting findings.
- Question: Shall this Resolution be ADOPTED?

The following items will be considered by the Budget and Finance Committee at a Special Meeting on Monday, June 29, 2009 at 11:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, June 30, 2009.

35. 090586 [Safe Streets and Road Repair General Obligation Bonds - \$388,000,000]

Mayor, Supervisors Chiu, Dufty, Mar, Alioto-Pier, Campos

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$388,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

36. 090828 [Safe Streets and Road Repair General Obligation Bonds - \$368,000,000]

Mayor, Supervisors Chiu, Dufty, Mar, Alioto-Pier, Campos

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$368,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Thursday, June 25, 2009 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 30, 2009.

37. 090753 [Selection of independent City auditors]

Supervisor Mirkarimi

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five years worth of options for renewal.
(Fiscal Impact.)

6/9/2009, REFERRED to Government Audit and Oversight Committee. Supervisor Mirkarimi requested that this matter be referred to Committee.

Question: Shall this Resolution be ADOPTED?

38. **ROLL CALL FOR INTRODUCTIONS**

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

39. **PUBLIC COMMENT**

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 40 through 46

40. 090825 [Opposing proposed California constitutional amendment]
Supervisors Mirkarimi, Avalos, Campos
Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."
- 6/16/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
6/23/2009, CONTINUED. Supervisors Avalos and Campos requested to be added as co-sponsors.
Continued to June 30, 2009.
Question: Shall this Resolution be ADOPTED?
41. 090838 [Fair and balanced State budget]
Supervisor Avalos
Resolution urging California's elected leaders to use a fair and balanced approach to solving the State's budget crisis.
- 6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
42. 090839 [Accept and Expend State Grant - Recreation and Park Department - \$68,250]
Supervisor Avalos
Resolution authorizing the San Francisco Recreation and Park Department to accept and expend retroactively a grant in the amount of \$68,250 from the California Integrated Waste Management Board for the purchase of tire derived products for the Crocker Amazon Soccer Complex Project.
- 6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
43. 090840 [Urging California State Legislature to reject the passage of Assembly Bill 746 (Conflicts of Interest)]
Supervisors Chiu, Campos
Resolution urging the California State Legislature to reject the passage of Assembly Bill 746, relating to conflicts of interest.
- 6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

44. 090841 [Commending Shaughai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government]
Supervisors Dufty, Campos
Resolution commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government for their role in its actualization.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. 090842 [Commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department]
Supervisor Dufty
Resolution commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 090843 [California State Budget - Opposing the use of motor fuel tax and redevelopment tax increment funds]
Supervisor Maxwell
Resolution urging the City Attorney and the General Counsel of the San Francisco Redevelopment Agency to cooperate with the League of California Cities, the California Redevelopment Association, and other cities and counties in possible litigation challenging the constitutionality of any seizure by State government of the City's street maintenance and redevelopment funds.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference
Agenda: _____

47. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinance received from June 16, 2009, to June 22, 2009, for reference by President to appropriate committee on June 30, 2009.

090829 [Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P. for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings.

(Planning Department)

6/16/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from June 16, 2009, to June 22, 2009, for reference by President to appropriate committee on June 30, 2009.

090830 [Airport Concession Lease]

Resolution approving the Terminal I Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

6/19/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090831 [Settlement of Potential Litigation - George Boutros - \$25,000]

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

6/22/2009, RECEIVED AND ASSIGNED to Rules Committee.

090832 [Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)

6/22/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090859 [Petitions and Communications]

Petitions and Communications received from June 16, 2009, through June 22, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 30, 2009.

From concerned citizens, submitting opposition to the nomination of Anson Moran to the Public Utilities Commission. File No. 090768, Copy: Rules Committee, Approximately 50 letters (1)

From Akki Patel, regarding the notice of delinquency he received from the Office of the Treasurer and Tax Collector. Copy: Each Supervisor (2)

From James Chaffee, regarding the lack of "public comment" at the June 16, 2009, Board of Supervisors meeting. Copy: Each Supervisor (3)

From James Chaffee, submitting letter entitled "Sunshine Assault at the Library Commission." (4)

From James Chaffee, submitting letter regarding "Sunshine" violations at the Board of Supervisor's Budget Committee. Copy: Each Supervisor (5)

From Office of the Clerk of the Board, submitting list of sole source contracts received from various city departments entered into during FY 2008-2009. (6)
Civil Service Commission
Rent Board

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Radiation Detection Company. (7)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for TW Medical Vet Supply. (8)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Pfizer Animal Health Corporation. (9)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Merial Limited. (10)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Merry X-Ray (formerly Source One Healthcare Technologies). (11)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Intervet Inc. (12)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Bayer Healthcare LLC. (13)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Abaxis Inc. (14)

From Department of Public Health, submitting request for waiver of Administrative Code Chapter 12B for Safeway. (15)

From Office of the Controller, pursuant to Administrative Code Section 2.10, submitting updated status of the implementation of the recommendations of the San Francisco Civil Grand Jury. Copy: Each Supervisor (16)

From the Sweatfree Procurement Advisory Group, thanking Mayor Newsom for maintaining funding for the independent monitor the City and County has hired to assist its staff in enforcing the Sweatfree Contracting Ordinance. Copy: Each Supervisor (17)

From Office of the Controller, submitting the Public Education Enrichment Fund annual report for FY 2009-2010. (18)

From Lorena Kehoe, suggesting the Fire Department could have a tremendous cost savings by releasing civilian inspectors and hiring Prop "F" Inspectors from the newly retired ranks of the uniformed inspectors. File No. 090779, Copy: Each Supervisor (19)

From concerned citizens, submitting opposition to any cuts in funding in the Police and Fire budgets. File No. 090779, approximately 400 letters and post cards (20)

From Jeanette Berger, commenting on proposed budget cuts. (21)

From concerned citizens, urging the Board of Supervisors not to decrease the funding for the Neighborhood Emergency Response Training (NERT) program. Copy: Each Supervisor, 13 letters (22)

From Clerk of the Board, submitting Form 700 Statement of Economic Interests for Rose Chung, Legislative Aide. (23)

From Office of the Mayor, submitting notice of transfer of function under Charter Section 4.132 (addendum). File No. 090696, Copy: Each Supervisor (24)

From SF Community Clinic Consortium, submitting revision to FY 2009-2010 SF Community Clinic Consortium funding request. Copy: Each Supervisor (25)

From Office of the Controller, submitting revisions to FY 2009-2010 Interim Consolidated Budget and Annual Appropriation Ordinance. Copy: Budget and Finance Committee (26)

From Municipal Transportation Agency, submitting list of contracts under \$10 million issued by the Airport and the Municipal Transportation Agency in FY 2007-2008, 2008-2009 and 2009-2010. (Reference No. 20090519-002) (27)

From Department of Public Works, regarding the San Francisco Clean-up Project. (Reference No. 20090616-003) (28)

From Ron Timberlake, submitting his money-making proposal to reduce the budget deficit in San Francisco. Copy: Each Supervisor (29)

From Maury Cooper, submitting opposition to the elimination of a staff position at the SF Department and Commission on the Status of Women. File No. 090779, Copy: Each Supervisor (30)

From Francisco Da Costa, commenting on SFHOPE. (31)

From North of Market Neighborhood Improvement Corporation, regarding Central City Hospitality House. Copy: Each Supervisor (32)

From John Eckstrom, thanking Supervisor David Chiu for his leadership in making community health care a priority. Copy: Each Supervisor (33)

From Doug Mathieux, commenting on San Francisco's new composting law. File No. 081404 (34)

From James Chaffee, regarding public comment at Budget hearings. Copy: Each Supervisor, File No. 090779 (35)

From Arthur Evans, commenting on Supervisor Campos and the Public Safety Committee. (36)

From Abdalla Megahed, welcoming Michelle Obama to San Francisco. Copy: Each Supervisor (37)

From Francisco Da Costa, regarding the Planning Commission and Japantown. (38)

From Francisco Da Costa, regarding "CityBuild" and taxpayer dollars. (39)

From Francisco Da Costa, regarding SF Superior Court and SF Muhammad University. (40)

From Human Services Commission, regarding the Human Services Commission not receiving any gifts in FY 2009-2009. (41)

From The Cultural Landscape Foundation, submitting the Parkmerced landslide update for June 2009. (42)

From Hiroshi Fukuda, submitting a petition regarding paying \$4.50 per square foot for the lease in a new Japan Center Mall. (43)

From State Fish and Game Commission, submitting notice that the American peregrine falcon warrants de-listing from the list of endangered species status. (44)

From State Fish and Game Commission, regarding markings and inspections of live fish transportation vehicles and inspections of aquaculture facilities, which will be published in the California Regulatory Notice Register on June 19, 2009. (45)

From Rachel West, regarding penalties for violation of massage practitioner licensing and regulation ordinance and zoning controls for massage establishments. File Nos. 090402, 090403 (46)

ADJOURNMENT





